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DEPOSITION - FEMA DIRECTOR MICHAEL BROWN

Saturday, February 11, 2006

House of Representatives,

Select Bipartisan Committee to

Investigate Preparation for

and Response to Hurricane Katrina,

Washington, D.C.

The select committee met, pursuant to call, at 12 p.m.,
in Room 2154, Rayburn House Office Building, Hon. Tom Davis
[chairman of the select committee] presiding.

Present: Representatives Davis, Myrick, Miller,
Melancon and Jefferson.

Staff Present: Keith Ausbrook, Chief Counsel; David P.
Rapallo, Minority Counsel.

Also Present: Andrew W. Lester, Esq., firm of Lester,
Loving & Davies, on behalf of Michael Brown.

Chairman Tom Davis. I have a couple of my Members coming from our retreat. They are not here yet, but I think I will start my questions just so we can move -- if there is no objection, just so we can move it through. It is all going to be in the record, and we will see how we incorporate what we are going to talk about, how we do it and the addendum.

Use the microphones because we have a court reporter here.

Good afternoon. I want to note for the record -- I want to note for the record Mr. Melancon and Mr. Jefferson are here with me. We expect to have Mr. Taylor and Mr. Miller from Florida and Mrs. Myrick coming as well.

We are here to depose Michael Brown, who is present, along with his counsel Andrew Lester. I would ask unanimous consent to proceed with the deposition of Michael Brown and at this time waive the 5-minute rule during the taking of the deposition. If there is no objection, so ordered.

I also note for the record Mr. Brown is here voluntarily. The appearance is in lieu of appearing under a subpoena that was issued and served on him yesterday compelling his appearance on Monday. He would have appeared here voluntarily anyway, but we -- given our time constraints, we felt we had to get the service out to him.

So I apologize for if we caused you any angst or embarrassment and just note for the record that this is being done in a cooperative manner.

Mr. Brown. And note for the record if the staffer ever runs out of a job, he can always be a great process server.

Chairman Tom Davis. Upon completion of the questioning today, I am going to relieve Mr. Brown of the obligation to appear on Monday. And I expect this deposition to be, hopefully, 90 minutes, no longer than 2 hours. I will begin the questioning, and after my questioning we will turn to Mr. Melancon, then Mrs. Myrick, and then Mr. Jefferson, Mr. Miller and so on. There is not a formal time limit, but at some point after we go through about 10 minutes, I will just ask if we can move on to try to keep it going.

Once the Members are finished with their questions, I will permit staff to question Mr. Brown. Select committee special counsel will begin the staff questioning.

Mr. Melancon, you want to identify a staff member for me to designate as your staff questioner? Do you have a staff questioner?

Mr. Melancon. Dave Rapallo.

Chairman Tom Davis. I want to thank Mr. Brown for appearing again on such notice. I thank the Members for doing the same. We will bring some food in shortly, and there is no need for formalities today.

Michael, I have to swear you before you testify.

[Witness sworn.]

Chairman Tom Davis. Thank you very much.

Is there anything you would like to say before we start?

Mr. Brown. One, I appreciate the courtesy extended by you, Mr. Chairman, to arrange this Saturday appearance. And I also appreciate the fact that based on the request we made of the White House to make it clear whether or not they were going to invoke executive privilege, I appreciate you giving me the opportunity to come back again before this committee to answer any additional questions you may have about conversations I had with the White House or others in the executive branch.

Chairman Tom Davis. Thank you. Let me start the questions.

When you testified before the select committee on September 27th, you refused to answer questions about the subject matter -- the conversations between yourself and the White House, specifically Andy Card, Joe Hagin and the President. Now I understand you can talk a bit more freely. We are interested in developing a better understanding of what you asked the White House for, what they agreed to provide you, how you kept track of these conversations and resource requests.

You testified that on Saturday, August 27, and on Sunday, August 28, you had numerous conversations with officials in the White House. You testified you asked the President on Sunday, August 28, to contact Mayor Nagin and Governor Blanco and ask those officials to order a mandatory evacuation of New Orleans.

Outside of the teleconferences, where there were multiple participants, how many conversations and e-mails do you know you had with White House officials?

Mr. Brown. Mr. Chairman, before I answer the question, the committee should know that on Monday, February 6, counsel, my counsel, Andrew Lester of Lester, Loving & Davies submitted to White House counsel Harriet Miers a letter, a copy of which I believe has been provided to the committee.

Chairman Tom Davis. Without objection, I would like that to go into the record.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Brown. Requesting guidance to me as to what the White House, executive branch, intended to do with respect to questions put to me about conversations with certain let's just say general White House personnel, and asking for guidance about what we should do, and specifically whether or not anyone would raise an objection based on executive privilege or not.

Chairman Tom Davis. Let me just note Mrs. Myrick.

And we are just on the first preliminary, Sue, but I wanted to get those out of the way so we can get you back right here.

Mr. Brown. And specifically we asked for direction of what questions we should or should not answer. And also, for the record, February 9, 2006, counsel again received -- received a letter from White House counsel Harriet Miers, which I would ask be also placed in the record.

Chairman Tom Davis. Without objection.

[The information follows:]

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Mr. Brown. The last paragraph of the letter reads, the President's views regarding these executive branch interests have not changed. I appreciate that your client -- meaning me -- is sensitive to the interests implicated by potential disclosure of confidential communications to which he was a party as a senior official in the administration as reflected in his recent responses to congressional committees and their staffs, and request that he observe his past practices with respect to those communications.

So the White House has not given direction in terms of what I should do with respect to questions regarding communications. So, therefore, Mr. Chairman, I respectfully request that -- or state that I am a private citizen. I am here under oath ready, prepared to answer questions. But I have this letter from the White House really not giving me direction, so I would ask for direction from this committee as to whether or not you want me to answer questions.

Chairman Tom Davis. Thank you very much.

Let me note the -- basically the privileges as I understand are just to protect you if you give advice to the President so you can speak freely and not be coming back. I don't think there is any problem with you telling your experiences in terms of what you might have said at that point or what was said back.

Outside of the teleconversations --

Mr. Brown. So, Mr. Chairman, are you indeed -- is this committee indeed directing me to answer these questions?

Chairman Tom Davis. We are directing you under oath.

Outside of the teleconferences where there were multiple participants, how many conversations or e-mails did you have with the White House?

Mr. Brown. Innumerable. I have not been able to gather since leaving --

Chairman Tom Davis. Dozens?

Mr. Brown. Literally dozens, yes, sir.

Chairman Tom Davis. Who were the people you spoke with?

Mr. Brown. Generally I would always speak to either Andy Card, White House Chief of Staff; or Deputy Chief of Staff Joe Hagin. The others that I spoke to throughout the course of the events, being prior to landfall in late August through my dismissal approximately September 12, I spoke to the following individuals at one time or another: National Security Advisor Steve Hadley; of course, the President himself; the Vice President; the President's press secretary Lea Anne McBride. I spoke to Deputy Chief of Staff Karl Rove, and there may be others that come to mind as we go through this proceeding.

Chairman Tom Davis. Did you speak with Ken Rapuano or

Fran Townsend?

Mr. Brown. And Claude Allen.

Chairman Tom Davis. He just resigned 2 days ago.

Did you ever speak to Ken Rapuano, Fran Townsend or any of the Homeland Security Council staff members?

Mr. Brown. I probably spoke to Fran Townsend, or occasionally she may have been on phone calls, you know, some of the VTCs.

Chairman Tom Davis. But this was not a constant issue?

Mr. Brown. No, not a constant issue, no.

Chairman Tom Davis. What were you asking for in these conversations?

Mr. Brown. It was fairly standard. It was pretty much a repeat of what occurred in any disaster. They would initiate calls. I would initiate calls. How are things going? What do you need? What is the status? You know, trying to keep the President and the White House informed as to what was occurring.

Chairman Tom Davis. And I think you said yesterday that in every case they would always ask you do you need more? Do you have enough?

Mr. Brown. There was probably never a time where there wasn't a conversation that ended, what do you need? Do you have enough? What can we do to help you?

Chairman Tom Davis. Did the White House deliver on

their commitments?

Mr. Brown. Well, that is a tough question because there would be times when I would either, through the chain of command, and by that I mean through my staff on the ground, or through Hagin or others, just saying, you know, I am really concerned about XYZ, or I need, you know -- we have a real logistical problem or whatever, and I would identify those. But the breakdown to where those occurred, I can't sit here honestly today and say that is the White House's fault, that is FEMA's fault, but --

Chairman Tom Davis. Some of the things that you asked for didn't happen?

Mr. Brown. Just didn't happen. They just did not happen.

Chairman Tom Davis. You had a number of conversations with Andy Card over -- let's talk about after landfall, after the storm hit. Did you continue to be able to talk to Card, or there was a hiatus for a while there where you couldn't talk to anybody; is that correct?

Mr. Brown. There was a short hiatus. Some of the e-mail traffic will indicate that there were e-mails exchanged between me and Card, and there were also phone calls between myself, Card and Hagin.

Chairman Tom Davis. Let me ask this: Does the committee have copies of those e-mails?

Mr. Brown. I think you are getting copies of those e-mails.

Chairman Tom Davis. That is one of the things we had wanted to get, and they had not been able to. So this is helpful.

Mr. Brown. In fact, let me just hand you -- because I do have a duplicate right now because -- let me hand you one set of e-mails that begins with an August 29 e-mail exchange between myself and Andy Card.

Chairman Tom Davis. Okay. I'm going to have copies made for the Members right away. Right away. So we can get -- did you have any -- how many times did you talk to the President or was he on the line roughly during that period, before and after?

Mr. Brown. That is hard to say. Prior to there were certain conversations I specifically remember because there was something unique about them. And there were other times where I don't recall specifically, because, as I said to the committee yesterday, I don't want to appear arrogant, but you would have these conversations off and on so many times, and some were just quick updates, whatever. I just don't recall those.

But I do recall specifically a couple of conversations prior to landfall where I expressed two things. The first one was my concern about this being the big one, the one

that FEMA had always worried about and had been asking for money for several years to plan for. That occurred prior to landfall.

The second one that occurred on either Saturday or Sunday before landfall where I specifically talked to the President about would you please call Mayor Nagin and Governor Blanco and use your powers of persuasion to have them order a mandatory evacuation. And I remember that because the President was astonished that I was actually asking him to call a mayor and a Governor to order a mandatory evacuation. And I said, sir, they just don't get it; for whatever reason that I can't fathom, they are not ordering a mandatory evacuation. I need you to do that. And he agreed that he would, and I understand that he subsequently did make that phone call.

Chairman Tom Davis. It wouldn't be surprising that you send some bureaucrat from Washington ordering a Governor or mayor around that there is going to be some -- so you need, wanted the big guy to call basically?

Mr. Brown. I needed the big guy to call.

Chairman Tom Davis. After landfall did you have any one-on-one conversations with the President?

Mr. Brown. Yes. And this is where it gets murky for me, because I know that there would be many times -- the President was still at Crawford, and I would have numerous

conversations with Joe Hagin, who would call for an update. And sometimes Joe would say, hold on, the boss wants to talk to you for a minute. And he might get on for a few seconds and just get an update.

Chairman Tom Davis. So it is fair to say that at least when you would call, the President would appear to be engaged?

Mr. Brown. Clearly. From my point of view, at that time the President was clearly engaged because, as it has been reported in the press overnight, I had the feeling, and I still believe, that when I talk to Joe Hagin and when I talk to Andy Card, I am talking to the President, because I know how those guys operate. And they do turn and make sure the boss knows what is being said.

Chairman Tom Davis. And after landfall would you say you had dozens of conversations with Hagin, Card, the President?

Mr. Brown. Over several days?

Chairman Tom Davis. Over the first 2 or 3 days.

Mr. Brown. Absolutely. Absolutely.

Chairman Tom Davis. Focus on the first 2 or 3 days.

Mr. Brown. The first 2 or 3 days, I know that that day as we were making landfall --

Chairman Tom Davis. You are in Baton Rouge now?

Mr. Brown. I am in Baton Rouge. I know we had several

conversations because -- again, primarily with Hagin, because Joe being in Crawford with the President, it was kind of his job to make contact with me and find out what was going on.

So we have -- I have some -- I don't think I have it with me today, Mr. Chairman, but I will produce it for the committee. I have a -- I just made it on my own. It is not scientific, of course, but I went through my old FEMA cell phone and just made a list of phone numbers that either came into my cell phone or that I called out. And I made a list of, like, calls to DHS, calls from DHS, calls to the White House, calls from White House, and I will produce that to the committee so you can see numerous phone calls.

Chairman Tom Davis. We will ask for that.

[The information follows:]

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Chairman Tom Davis. How often did you talk to Karl Rove? Was he kind of incidental to this, or was he involved?

Mr. Brown. I don't recall any conversation with Karl Rove until the President's second trip where we were trying to convince Governor Blanco to allow us to federalize the troops. And he was on Air Force One, and I had conversations at that time.

Chairman Tom Davis. How did you keep track of the requests and the communications? Did you have any kind of notebook or anything where you would make these, or was this kind of done kind of ad hoc?

Mr. Brown. At this level it is ad hoc, but at the more granular level, at the bureaucracy level, there are the mission assignments. And the committee should have all of the mission assignments that we requested beginning on August 30th to DOD and others. And again, if the Committee doesn't have those --

Chairman Tom Davis. Okay. Do we have those them? Yeah.

Mr. Brown. Those will reflect the formal requests. And then the more informal requests are my conversations about, you know, we have asked for X, and it seems to be taking a long time; can you help me push that?

Chairman Tom Davis. When you testified here before, I said -- you told us that the committee really needs to understand the White House was fully engaged, the White House was working behind the scenes. I remarked it had to be behind the scenes because we didn't see anything out front at this point. You had told the New York Times that there is no question in my mind at the highest levels of the White House, they understood how grave the situation was.

In retrospect, as we look at this now, what was the White House doing behind the scenes? How do you know what they were doing, and who told you that? What efforts -- what did you see for their efforts?

Mr. Brown. Let me break the answer down into two parts.

The first part is my perception based on my previous experience with a lot of disasters, beginning with the Columbia space shuttle disaster all the way through the 2004 hurricanes. And in these disasters, if I needed anything specific, I would relay that to Hagin or Card, and it would get done, because if I needed, for example, DOD to do something in particular, then either Gordon England, or Secretary Rumsfeld or Assistant Secretary Paul McHale would call me and confirm that, yeah, we just got a call from Andy, and they chewed my rear end about something, and would you -- we are going to get that done for you. So that was

my perception prior to Katrina.

My perception post-Katrina is that it became bureaucratic. I recall a specific conversation with Andy Card where I was making a request, and I don't recall what the request was. And I apologize, but I just don't. I do remember Andy's response, and that was, Mike, we are going to have to follow the protocol. We are going to have to follow the chain of command on this one. And I took that to mean that the way we have played ball for the past couple of years, we are not going to play ball that way, and now we are going to play ball by "if you really need something, you need to go to Chertoff or back through HSOC or whatever you are going to do and do those requests that way."

Chairman Tom Davis. How did that differentiate? That was different from what you encountered before, wasn't it?

Mr. Brown. That was totally different. Let me tell you, during Florida I had no interference, I had no problems from the Department of Homeland Security. And I mean that in a positive way. They stayed out of my way and allowed me to do my job. And I think that is why all of these events were successful from 2004 back to the time I was running FEMA back in 2003 and 2002.

Chairman Tom Davis. Now, had the National Response Plan been changed between Florida and this area?

Mr. Brown. It had. It had.

Chairman Tom Davis. So, from an administration point of view, they could be saying, well, now we have a response plan, even though this had worked well in Florida with them just saying let's go with protocol, you think?

Mr. Brown. Yes. And I think -- again, this is total speculation on my part, and I could be wrong, but I think the thinking at that point was we have a new Secretary of Homeland Security, we now have a National Response Plan, we now need to start following all these procedures. And, of course, to my mind that was the worst thing that could happen because I am used to running disasters, being in the field, I mean --

Chairman Tom Davis. Less bureaucratic basically.

Mr. Brown. Yes. As Members at this table can testify, they have seen me when I'm in a disaster, I am all over the place. I want to be out in the field knowing what is going on. And in this disaster I was specifically constrained by Secretary Chertoff and told to stay in Baton Rouge.

In fact, he caught me on a plane coming back from Mississippi, wanted to know what I was doing in Mississippi, which I found astounding because Mississippi had been struck by Katrina just as Louisiana had. And I was being told specifically by Chertoff to get into Baton Rouge and stay in Baton Rouge and don't leave there. And to me, in my mind, that was a tipping point because I knew, okay, this is a

different game.

Chairman Tom Davis. Yeah.

Mr. Brown. I didn't know how I can operate in it.

Chairman Tom Davis. How involved was Secretary Chertoff during this time? You for most of this kind of bypassed them and dealt directly with the White House, right?

Mr. Brown. Right. Prior to that it had been the way FEMA had generally always worked, and that was even though we didn't have Cabinet-level status in this administration, the prior Director Joe Albaugh directly worked with the White House, and I directly worked with the White House when I took over, and that is how it worked.

Chairman Tom Davis. Do you think in retrospect, I mean, as we look ahead, it ought to be working directly with the White House and not have to go through bureaucratic layers of whether it is Michael Jackson or Secretary Chertoff, whoever is there, that that is going to cause more delays?

Mr. Brown. Look, I am biased at this point, and I think that we as Republicans have made a fundamental error in creating this new bureaucracy that slows down the process. I thought that I could make it work. I thought that I could make FEMA work within DHS. I have failed in doing that.

Chairman Tom Davis. I guess what causes me some concern is that at the beginning you worked the way you always did; you called the White House, they are talking to you, they are fully engaged, and then all of a sudden they are saying go back through the protocol just at the time you're finding out you don't have enough resources and you have an emergency there. Is that a fair reading?

Mr. Brown. That is a fair reading, plus it is also my opinion that is like changing -- I know all plans go out the window at the first gunshot, but by the same token you don't try to suddenly impose everything on the largest natural disaster in the middle of that disaster, because the way we worked prior to that, from 9/11, the Alfred Murrah building, everything, every disaster that FEMA has been involved in worked up until Katrina.

Now, I don't want the committee to think that I am blaming all of that on DHS, because I am not. It was -- at the end of the day, it was still a catastrophic disaster. And even if we had been independent, we would still have had problems. But DHS exacerbated those problems, in my opinion.

Chairman Tom Davis. Had Secretary Chertoff been in touch with you frequently before this storm hit and after landfall? Was he on the phone constantly with you as your superior?

Mr. Brown. Look, I want to say it's been reported in the newspapers yesterday that I responded to that question with the phrase, "That is just baloney." Let me tell you why. When we started the VTCs prior to Katrina making landfall -- the VTCs are the video teleconferences, and we would have those -- we actually started those either Tuesday or Wednesday before we even knew that the storm was even going into New Orleans, because New Orleans was our big fear. And on these VTCs there was always someone from Homeland Security Operations Center, or, in many cases, the Secretary, or in a specific case Michael Jackson sitting right next to me, and one on either side Saturday or Sunday before we actually went. So they were aware throughout that process of everything that was going on.

In addition to that, even if they weren't, even if those two individuals, Chertoff and Jackson, were not on the VTC, the HSOC was, the Homeland Security Operations Center. And so they received the same situational reports that I received, and a set report was also conveyed to the HSOC.

Now, I can't speak to what the HSOC did to these reports, but I can promise you those reports were given to the HSOC.

Chairman Tom Davis. So they had all the information the White House had as far as you know on that?

Mr. Brown. Absolutely. To claim otherwise is absurd.

Chairman Tom Davis. But in terms of your being able to give -- to give a situation response being on the lines there, being their point man, being the appointed Federal person there, were they calling you frequently more than the White House? How did this work?

Mr. Brown. Yes. And in fact, there will be -- there was an e-mail in the group that has come to you where one -- for example, I have one dated August 31st, I've spoken to him twice now. That is actually referring to Hagin.

Oh, there is one dated Thursday, September 1, where I state, okay, I did tell them privately that the phone calls were killing me. And he said he understood. He assured me he is not trying to interfere, but they are literally driving me crazy.

And my point is Secretary Chertoff was calling about some of the most minute details of operation that I literally could not get my job done sometimes because there were so many phone calls coming from the Secretary about, you know, we had a report that Jefferson Parish hasn't gotten XYZ. Well, you know, we know that, and we are trying to deal with that. And the micromanagement was amazing.

Chairman Tom Davis. Let me ask you about the buses. I am still -- General Landreneau told the Senate panel that the buses were promised by FEMA before the storm ever came, and at different points again on Monday, Tuesday, Wednesday

after the storm. They didn't arrive in large numbers until Thursday. Landreneau said that you said that 500 buses were coming; the FEMA task order was not tasked to DOD until 1:47 a.m. Wednesday morning. So FEMA is saying they didn't know about this until 1:47 a.m. Wednesday.

You said that you were not asking for the buses, that you were screaming, but they didn't arrive. Can you -- what I want to ask is, from your perspective, when did you request the buses? I know it was very frustrating that they never came. When did you request the buses? Was there a lag time between when you requested it and that 1:47 a.m. FEMA task order, tasking to DOD? Do you know what happened in the meantime?

Mr. Brown. I do not. And again, this chain of e-mails doesn't address specifically the buses, but it addresses, for example, the cruise ships and some other things that I was requesting, that I would make the request to -- I would make the request.

Chairman Tom Davis. Orally sometimes?

Mr. Brown. I would always make it orally because I am not going to sit in Baton Rouge and fill out some form.

Chairman Tom Davis. Gotcha.

Mr. Brown. So what I would do is I would either make the request orally to Bill Lokey, who is my Federal coordination officer on site in Baton Rouge, or I would make

the request back to FEMA headquarters and say, you know, I just talked to whoever I talked to, and the request is for this, put it into the mission assignments.

And so my frustration became as I am making those requests, why aren't they happening? And you will see in these e-mails many times me screaming, why isn't the Army here? Why isn't this stuff happening? What is the bureaucracy stopping this? I am just as frustrated as anyone else.

Chairman Tom Davis. Did you express that to the White House directly?

Mr. Brown. Yes.

Chairman Tom Davis. What was their response?

Mr. Brown. That they would check into it and see what they could do.

Chairman Tom Davis. Who seemed to be the most responsive person when you would call them where you started seeing results after you talked to them in the whole chain, DHS, White House, everything else?

Mr. Brown. Clearly I would say the White House. But, that is -- well, that is a tough question because there is not a way, there is not an easy way for me to gauge that, Mr. Chairman about, okay, I have told Hagin or Card, or I have told Chertoff or somebody. I can't attribute that to any one of them.

I can say this, though, generically, that I remained frustrated throughout the entire process that the requests that we were making were not being filled timely.

Chairman Tom Davis. Okay. So in retrospect, as we reconstruct the 500 buses, this was going to be ordered before landfall, right? We had contracted, and then they just never came?

Mr. Brown. They just never came.

Chairman Tom Davis. Landfall came; they never came.

Mr. Brown. Right.

Chairman Tom Davis. You were yelling and screaming, we need these things. DHS knew, the White House knew, presumably there was a contract somewhere, but that went away right after probably drivers disappeared and everything else.

Mr. Brown. Right.

Chairman Tom Davis. And it just took forever.

Mr. Brown. It did. It took forever. And I think the other thing is, again, trying to put it in some perspective is there are so many factors that are driving it. This was the perfect storm. You had a catastrophic event. You had what we knew was wrong with FEMA prior to the events occurring. Then you had the media reports coming out about the looting and shooting and everything, so now the private contractors who are driving supplies into the area suddenly

become fearful for their lives, and so they are not going to go anywhere.

Chairman Tom Davis. Right.

Mr. Brown. And all those things came crashing in at the same time. And again -- and I tried to accept blame on myself for some of these mistakes, because, you know, in hindsight, yes, I probably should have asked for the Army first, quicker. Lots of things that I should have done.

But there is blame for everybody to go around. I want you to understand from my perspective, sitting in my shoes at that time, I am sitting there looking at now -- and I know I've said Louisiana and New Orleans was dysfunctional, but you know what? We were dysfunctional, too, because the things that I was asking for wasn't occurring. And so the whole thing became this dysfunctional mess.

Chairman Tom Davis. You were overwhelmed.

Mr. Brown. That I couldn't make anything happen.

Chairman Tom Davis. You were just overwhelmed.

Mr. Brown. I couldn't make things happen.

Chairman Tom Davis. Yeah. I mean, in retrospect, looking back now, can you just tell us for the future as people are looking at this what we would have done differently before the storm? Obviously an evacuation plan would have helped.

Mr. Brown. Yes. I think one thing is if I had really

been -- if I had really pushed the envelope -- I told Senator Collins this yesterday, I don't think she got the humor in it, that if I had just given up on Louisiana at one point, I probably would have mission-assigned DOD to do evacuations and gotten whatever armored vehicle carriers or trucks or whatever they needed into that area to start taking people out. I probably would have done that even before landfall. Of course, then if the storm had -- what we have to remember is --

Chairman Tom Davis. If the storm hadn't hit --

Mr. Brown. If the storm hadn't hit, I would be in front of these committees, how dare you waste the taxpayers' money. People would be second-guessing afterwards. It is a tough deal.

Chairman Tom Davis. That is why you get paid the big bucks there.

Let me ask Mr. Melancon -- go ahead. I have more, but I just want to move it along.

Mr. Melancon. Thanks, Mr. Chairman. I appreciate it.

Mr. Brown, it is good to see you again. I know you are not that happy being here, but still, it is good to see you.

Mr. Brown. It is a Saturday morning. I can't believe you didn't bring me gumbo.

Mr. Melancon. At the apartment I have either crab or shrimp or corn soup, so maybe we can make up after this.

Let me kind of run through some things that came in my mind first. General Honore made a statement in Baton Rouge this past week that dealt with the federalizing of the troops, and he was actually glad that the Governor didn't federalize the troops. And I understand, I guess it was Friday when the President was on the ground, and Air Force One at Moissan, that there was an attempt, and I understand an elongated attempt, to try and make her federalize the troops. Do you have any knowledge, or were you in that meeting, or can you give me some insight there?

Mr. Brown. Yes. I was in these meetings. And if I can just give a colloquy here for a second about the whole federalization issue, those discussions actually began prior to that meeting on Air Force One. The concern was that -- and I had these discussions with Honore and probably some others on the ground prior to this meeting on the Air Force One. The concern was if -- if the media reports are correct, and we were trying to get people into, for example, the convention center, and the Superdome and other places, just to give us some good information about how bad is the civil disturbance. Our concern was putting Active Duty troops on the ground, and if some thug decides for fun he wants to take a potshot, Active Duty are going to blow him away. We are going to have dead bodies.

And so there is a concern about putting those kinds of

guys on the street where they may be forced to start shooting people, and I respect that, and I think this is a legitimate concern.

There was also discussion about how does it appear for us as a Republican administration to be invoking the Insurrection Act and dealing with all the Posse Comitatus issues in Louisiana, a Democratic State being run by a female Governor. So there are all those kind of things that we were all concerned about and thinking about. And so when we got to the point where we were having discussions on Air Force One about it, there became this idea that we might be able to do it in such a manner that we would have a dual command-and-control situation where Honore would be able to go ahead and do what he needs to do; we can kind of get things done with Active Duty troops without having to invoke the Insurrection Act and that sort of thing. That resulted in the proposal being submitted to the Governor, which the Governor rejected.

I think it ended up working anyway by sheer force of personality. I think Honore's personality and Landreneau personality allowed those two to team up and to make it work without doing it. The sad part of that is we should have done that about a week earlier.

Mr. Melancon. Were you on Air Force One that day when they had the meetings with the Governor about the

federalization of troops?

Mr. Brown. I was.

Mr. Melancon. Was there at any time, to your knowledge, an inference made that if she didn't, that troops would be withheld or helicopter evacuation assistance or any other efforts until she acquiesced?

Mr. Brown. I was in the conference room with Air Force One when the President was present with all of the parties, and I had never heard that said during that meeting. I was not with the President and the Governor privately, so I don't know what was said in that meeting. And then I was in subsequent meetings in the staff conference room where we were trying to hammer out the terms by which we might -- the terms which ended up being the letter that went to the Governor, and there was never any discussion about that in those meetings either.

Mr. Melancon. Okay. Early on in the week, the Governor drafted letters. She had to make the request for the assistance from the Feds. And then by Thursday there was rumors running around, rampant, that she didn't request the right stuff.

That is kind of one of those things I choked and said, when you come from FEMA, you come in here and you say you need a letter, and if they say, what kind of letter, you give them an example letter and you help them get it out.

But that seemed to be, in my mind, some apparent attempts to just make this thing look like somebody trying to put blame on somebody. I mean, do you know of any instances or conversations or anything that took place regarding these?

Mr. Brown. I don't. And I will say this, Congressman: I don't think that any of my immediate staff or the FCOs that I put down there to do that would have ever done that to any Governor, Democratic or Republican. I think sometimes what happens is let's say you're the Governor and I am the FEMA guy, and you say, look, I need XYZ, and I say, you bet, we are going to get that for you; and I turn to my FCO and say, the Governor has made a request for XYZ, get it done. And at a lower level there may be fights going on about which form do you fill out or whatever, but at this high level, that would never -- and it would never occur on my watch, and if it did, and I knew about it, I would have fired those people.

Mr. Melancon. I had consistent problems. We were trying to fly in food supply and medical assistance into Chalmette slip, had three trucks positioned at the Mississippi River toll plaza for 3 days, and they kept telling me every day that the mission had been flown, and it obviously hadn't.

Mr. Brown. And that raises a perfect example of one of the systemic problems within FEMA that needs to be

addressed. When we have one of those large disasters, we call upon the DAEs the disaster assistance employees. This is a cadre of people that go through some training, and lots of times they are former FEMA people or they are former people -- first responders or whatever. But you get them into the middle of that kind of environment, and they do become bureaucratic. And they are scared.

I am trying to defend them, too, but explain what their problem is. And so if you came to one of those persons and they were in your parish, for example, they might say, I can't let you do that yet because I haven't heard from anybody above me that says we can do it. And then the bureaucracy becomes balled up, and those kinds of things don't happen. And I think those happen because those people are put into a situation that they are not really trained to deal with it, and they don't understand that the guy at the top, at the time me, doesn't care. In fact, you will find a quote from me in some of the transcripts of the VTCs where I said, push the envelope, and, in fact, if you feel obligated to push the envelope beyond that edge, just do it, and I will figure out a way to justify it later. That was my mentality. But I am not sure down at the ground level that was the mentality down there.

Mr. Melancon. I think we are still experiencing that on the ground in Louisiana and, I would guess, Mississippi,

even though I am not firsthand connected to it, that the fear within the FEMA employees -- and I don't know whether that is because they are enveloped within DHS or what -- but the fear is that they will make a wrong decision, and they are gone.

What I am finding also is it appeared -- and this is an appearance thing, this is a perception thing -- but it appears that there were many times that when we found a FEMA person who was willing to take the initiative to do what was right, they were called down and they were shipped out.

Mr. Brown. We could do on for days about this conversation, but let me try to sum it up this way. I think what is going on is the people -- you have the systemic problem I just talked about about those part-time employees, which is this whole policy question, because how do you develop a surge capacity? You don't want 20,000 people in the employees for a disaster that is going to occur once every 10 years. By the same token, you want to be able to have that surge capacity of qualified people so when it does occur, you can utilize them.

Then you have the second problem, which is FEMA gets rolled into DHS, and they are going through this constant, constant reorganization, this constant -- things being pulled out. Now you have to do it this way, you have to do it a different way, or it is constantly being changed. Or

the people who used to make the decisions about, yes, you can, the contracting officers, now have a bureaucracy above them, and that is called the DHS Management Directorate.

So now there is these additional layers they have to go through, so they are -- they are scared to make a decision. And I abhor that bureaucracy that we have put on top of these people.

Mr. Melancon. You spoke earlier about -- in speaking with Karl Rove and with regard to federalization, did you have a conversation with him about that federalization? And when did that occur? Was that during the storm?

Mr. Brown. After the -- well, let me back up. And again, there is an e-mail here dated, I think, September 2 where I am saying, where is the Army? I want the Army now. Why haven't they showed up yet?

Mr. Melancon. That was one of the things that they said she didn't put it correctly in her letter.

Mr. Brown. And I don't care what the letter said, I was asking for the Army. I don't care what she was asking for at that point, I was asking for it. There was some discussions beginning at that point that I was having internally with the FEMA people about -- and we eventually did do a mission assignment on September 2, turning over logistics and everything else to DOD because we knew it was beyond our capacity to do that.

Mr. Melancon. When was this?

Mr. Brown. That was September 2 when this mission -- when that mission assignment was actually executed. I had started that process back as early as August 30 with an initial mission assignment that I have come to find out actually wasn't ever implemented, which I don't know why.

So there was some conversations internally within FEMA about we probably need to federalize this at this point. It was the kind of consideration that most people don't know about that we had on 9/11. Director Albaugh had conversations at very high levels on 9/11 about whether or not we needed to federalize the response in lower Manhattan. But when we had those conversations with Giuliani and Pataki, it became clear that we weren't going to have to do that. So these weren't surprising conversations, given the magnitude of the disaster.

So now you fast-forward to the conversations on Air Force One where it was really at that point it was time to make a decision, are we going to do this or not? I think it was a late time to make the decision, but nevertheless at that time it finally arrived.

Karl Rove was not in all of these meetings. I have since kind of put the pieces together in my mind. Karl left that trip and had surgery for kidney stones or something. And so Karl was not present a lot in some of those

discussions because I think he was in pain, and he was in the restroom, quite frankly.

The major gist of those conversations occurred in the conference room between myself; Chertoff; General Blum, who, you know, heads up the National Guard; and Steve Hadley. Steve was on the telephone, and I don't recall definitely, but I think he was on the phone with probably White House Counsel's Office and maybe someone from the White House Homeland Security Office. And we were having these general discussions about how can we frame this federalization without doing the Insurrection Act, and if not, then what are the implications of actually going ahead and invoking the act.

Mr. Melancon. Got you.

You had said that one of the biggest mistakes was not getting DOD involved sooner. The magnitude of the storm overwhelmed FEMA; you needed DOD to come in and manage basic search and rescues, deliver supplies, evacuation. When exactly did you ask for DOD's assistance; do you recall?

Mr. Brown. I first asked for DOD assistance on August 30. There is a mission assignment dated August 30 to help them start doing transportation issues, helping us get teams in. What had happened was, you know, all the stories about Marty Bahamonde being in the Superdome. And I think I testified to this committee that I understood that I had

about 12 to 15 people at the Superdome.

What I have since learned is, yes, I had ordered Marty Bahamonde there, I had ordered Phil Parr there, and I had ordered a task force with the National Disaster Medical Team to be there. What I have since learned is, yes, they all started converging on the Superdome, but Marty was the only one that physically made it there. Phil Parr got stuck somewhere in Houston or something and came maybe 24 hours later, and the medical team didn't arrive until 24 hours later. So we executed a mission assignment to DOD on August 30 to start helping us do the airlifts to get more teams into more places.

Mr. Melancon. When the storm hit and we realized that it was catastrophic, of course, we were under -- it wasn't the catastrophic designation, it was a lesser designation. Is there some reason why, knowing beforehand what you know, everybody talked about what the hurricane center was saying, the fears that were out there, calling the President to call the Governor and the mayor -- was there some point in time when, you know, somebody should have said, we need to upgrade this thing because we shouldn't have to be waiting for sign-offs from the military or anybody else to respond?

Mr. Brown. That is an easy question to answer in hindsight, and the answer is yes. But I think it is important for the committee to understand and go through

what is going through my head and through our processes in real time, back before we now understand how big it was.

I knew -- I knew before we even had Katrina named that we had the potential for something like this happening in New Orleans. And again, you will see in another stack of e-mails I am going to give you about my efforts within DHS to get the money for catastrophic disaster planning, and that being cut, and me actually using the phrase in one of the e-mails that "cutting this is absurd because this cuts off my planning to do catastrophe planning for New Orleans." And I specifically mentioned New Orleans.

Mr. Melancon. When you asked for the DOD assistance, who exactly did you ask?

Mr. Brown. Well, again, my process would be I would either tell headquarters or my person on the ground I want DOD to help us do airlift, and they would cut a mission assignment through the EFS structure and actually cause that to happen.

I am going to go ahead and finish the other point.

So we are going through these conference calls prior to Katrina making landfill -- landfall. Prior to Katrina making landfall and --

Chairman Tom Davis. It is a landfill now.

Mr. Melancon. That is another issue.

Mr. Brown. Freudian slip there.

So, Congressman, I knew in my gut that wherever this storm hit, it was going to be bad because of the size of the storm. I also knew in my gut that if it hit New Orleans, it was the big one. But as you go through that, I really am struggling with motivating my teams to, again, push that envelope. But how far do you push the envelope, because we don't yet know where it is going to hit, and having been through Florida, and having been criticized in Florida for having pushed the envelope too far and having declared Miami and Dade County and spending \$20 million down there and I get chastised for doing that, I am trying to be a little bit cautious about, okay, I don't want to push everything out at that point because of those fiscal restraints and the fiduciary responsibility that I have to the taxpayers to do this smartly.

Everybody on that team in those VTCs knew how I felt, and they knew that if that storm made the right kind of turns and went into New Orleans, that we were facing what we had all predicted for a long time.

My mistake was just not maybe on Saturday or Sunday, prior to landfall, when it was getting close enough that I don't think any Member of Congress or anybody in the public could have questioned my jumping the gun and saying, okay, DOD, just give me everything you've got, I should have done that because --

Mr. Melancon. Had them staged.

Mr. Brown. Yes. I should have had them staged because I knew -- I knew what we were facing.

Mr. Melancon. Thank you.

Chairman Tom Davis. Did you feel any hesitancy on State and local governments at the same time on the resources and evacuate people because it may not happen, expenses involved, as the Federal Government had?

Mr. Brown. I didn't. And again, I am one of these true believers in federalism, and there is in the transcript of the VTC of me specifically asking, because I would go through every State and I would ask them, do you have any unmet needs? Is there anything that you need that you are not getting? And the response from Louisiana, from Jeff Smith, was, no, Mike, we have everything we need right now.

I have to rely upon that. That is what they told me.

Chairman Tom Davis. Mrs. Myrick.

Mrs. Myrick. Thanks.

Well, thanks for coming today on a Saturday.

I want to take a little different line, but I did want to ask you this because this was just brought to my attention. Andy Maner, Department of Homeland Security CFO, testified on January 18, and he said FEMA was not rejective for catastrophic disaster planning funds Post-Hurricane Pam; that they approved \$140 million, 75 percent of what FEMA

asked.

Mr. Brown. Well --

Mrs. Myrick. And the reason I say that to you is because, you know, I have seen some of the budget stuff. I haven't had a chance to go through all of it, but you know where they took moneys out that they legitimately said, well, this is going into Homeland Security, this function is being transferred to Homeland Security, et cetera, et cetera, et cetera, and the bottom line is it looks to me like a designated FEMA. But he is saying --

Mr. Brown. Thank you.

Mrs. Myrick. He is saying you had this money.

Mr. Brown. We did not have the money, and I will tell you --

Mrs. Myrick. I am sorry, he just told me he didn't testify, he did an interview. So I want to clarify the record. Sorry about that.

Mr. Brown. Again, we will make a copy of this. I am not sure this has been submitted to you yet. There is an e-mail dated December 30, '03, dealing with our '05 request, our '05 request for catastrophic help -- I want you guys from Louisiana to hear this -- our request for catastrophic housing and catastrophic planning, to use money for catastrophic planning, but we just have enough for just one city, New Orleans, and that is where we got the \$80 million

to do that planning for New Orleans. So that is in this e-mail.

This is dated December 30, '03. This is where I got the money to do the Hurricane Pam. But then I am going to give you the second e-mail as soon as I find it where that money was then taken out to do any of the follow-on. And I asked specifically, who cut it, who made the decision, because I wanted to know who to scream at. Do I scream at my friend Josh Bolten at OMB, or do I go scream at Andy Maner? And it was cut at the DHS level. It never even went to OMB.

As soon as I find that particular e-mail, we will get copies made for you.

[The information follows:]

***** COMMITTEE INSERT *****

Mrs. Myrick. And then according to Andy, also, FEMA 2006 budget did not request catastrophic disaster planning funding. Can you explain that?

Mr. Brown. Absolutely. And there will be an e-mail in here explaining that one.

Mrs. Myrick. Good.

Mr. Brown. Because we didn't make the request because we were told, you are not going to get it. And --

Mrs. Myrick. By whom?

Mr. Brown. We were told by Janet Hale.

Mrs. Myrick. Janet Hale is with whom?

Mr. Brown. She is the Under Secretary For Management and pretty much runs the budget process over there. Andy would work -- Andy worked for Janet.

Mrs. Myrick. She was his boss.

Mr. Brown. And we were told that we were not going to get those overtargets and to not even request them, that we could make an appeal if we wanted to. And Janet and I had a very frank conversation about my continuing to bitch and moan about the budget, and if I wanted to go ahead and take that battle on, I could take it. But, Mike, it is going to be one more example of how you're not a team player and you're continuing to fight. Why don't you just leave it out.

And I did have to make some judgment calls about how much do I continue to whine and complain and fight about this stuff, and so we just didn't put it in the request.

Mrs. Myrick. But you're going to give us those e-mails.

Mr. Brown. I am going to give you all of these e-mails, and you can just have at them.

Mrs. Myrick. He also said that they approved on your using 20 million left over from the '05 planning funds and an additional 20 million for fiscal year '06, which is, what, \$30 million?

Mr. Brown. Um-hmm, that we are using those for --

Mrs. Myrick. They gave to you for disaster planning.

Mr. Brown. That is out of the DRF. They allowed us -- I think we were talking about moneys out of the Disaster Relief Fund, which has a component called the disaster support account. And we convinced OMB to allow us to take some of that money to do some of the things that -- it went more for logistics than it did for catastrophe planning.

Mrs. Myrick. I also want to have you just tell us just a little bit more about when you did send your letter to Ridge with recommendations, which you gave us a copy of, and some of the budget stuff, and showing really how these things are transferred and what happened to FEMA. And I think I have heard you say that you think that FEMA should

still be separate, if that is correct, a separate agency.

I guess my question is, when they moved all of these functions out of FEMA per se and put them under DHS in this reorganization, was that even functional; not just the reporting thing that you -- the chain that you have talked about, but was that a functional way for FEMA to work for disaster planning, or was that very much terrorism-related in the sense that it really didn't have an effect on what we were doing or you were doing with disasters?

Mr. Brown. No. It was -- it was very much -- they would like to claim that it was terrorist-related, but it wasn't, because you have to -- you very importantly have to remember that FEMA was so small that people had dual functions in their jobs. And we had lots of arguments about this. Let's say that, you know -- you know, Sue Myrick is a GS-15, and she is working in the Preparedness Division, but what you may be doing is catastrophe planning for natural disasters, you know, 80 percent of the time, and 20 percent of the time you're doing some sort of planning that is part of an interagency process to deal with WMD. Well, they would take that 20 percent and glob on and say that is going to ODP, wherever it is going. But the whole body would go. You would end up going.

Mrs. Myrick. So the person went, and the function that person did at FEMA was gone?

Mr. Brown. Was gone. So now we can't do that. We physically can't do that.

Mrs. Myrick. I follow you.

Mr. Brown. I don't think they grasp what they would do in those kinds of reorganizations.

Let me address real quickly your paraphrasing of my belief of what FEMA should be. I honestly believe that had we followed the statute, the Homeland Security Act, as written, and made EP&R truly EP&R, done what the statute says we are supposed to do, and if Secretary Ridge had followed through on this proposal that I submitted to him by consolidating these things into FEMA, we could have -- it is like any other merger and acquisition. We could have changed that culture at that point and made it work. But now the entire Department, the people who have come into the areas are so terrorism-focused that they have minimalized and marginalized FEMA to the point that I think now the only way to make that distinction is to pull FEMA out.

RPTS CALHOUN

DCMN MAYER

[1:05 p.m.]

Mr. Brown. I hate to see that happen because that's one more reorganization, that's one more thing that they have to go through. It's almost like --

Mrs. Myrick. It isn't working.

Mr. Brown. You have got to kill the thing to make it live again.

Mrs. Myrick. It isn't working.

The other thing, you talked about how you always went through the White House, and that changed this time. The question that I was going to ask was about, do you think that by your not going through Homeland Security, for whatever reasons -- like you say, it wouldn't have done any good and so forth -- did that cause further breakdowns of use of any kind of institutional tools that would have been at your disposal and you would have gotten some other things that you didn't get? I mean, is that a part of that or not?

Mr. Brown. I love that question. I'm so glad you asked the question because that's the biggest red-herring that I have seen over the past couple of days since my testimony. Let me explain to you why.

The Homeland Security Operations Center, the HSOC, as

I'll refer to it, is not an operational entity. It is designed to give the Secretary information. They exercise no command and control over anything. If you want to make something happen, if you want to task under the National Response Plan or under the old Federal Response Plan, if you want to task DOT to do something, that's done through the Emergency Support Function, the ESF function, out of what they now call the National Response. It's got the initials NRCC, and I keep -- whatever it is, they call it the NRCC, the National Response something, which is the old FEMA National Emergency Operations Center. That's where the interagency comes in and that's where command and control is exercised.

So this baloney argument that I slowed down things by not going through the process is just that.

Mrs. Myrick. They aren't the process, in effect?

Mr. Brown. The process is still, you work through.

If I had gone through the HSOC, here's what would have truly happened. I could have called Chertoff or into the HSOC directly and said, I want this to happen; and they would have said, Okay, and made a note of it, and they would have called the NRCC, they would have called FEMA and said, Brown wants this to happen.

So now we've added two new phone calls and two new layers to get things done.

Mrs. Myrick. Another question: Did you ever advise Chertoff to designate this as an incident of national significance?

Mr. Brown. No.

Mrs. Myrick. Why not? Or did you advise against it or did you just not do it?

Mr. Brown. I didn't have a feeling any way or the other. What I didn't want to do is receive that PFO designation because under the National Response Plan, that, in essence, to a certain extent ties my hands.

Now, I really am -- I have got a choice now: Do I act as what the PFO is supposed to do, which is supposed to be providing information to the Secretary, which then takes away my operational responsibilities? Or do I blow off the PFO designation and --

Mrs. Myrick. So with the change in organization, the PFO as the operating officer became just reporting?

Mr. Brown. If you read the national response -- that's why I'm such an opponent of the PFO designation, because it again adds another layer of bureaucracy. If it works the way they think it's really supposed to work, what it means is, you now designate a PFO.

Let's say they hadn't named me; they had named Tom Davis to be the new PFO. So he now shows up at Baton Rouge and he's now like my shadow, so I'm down there trying to

make things happen and he's looking over my shoulder, reporting back to HSOC about what I'm doing. And so now if Chertoff sees something he doesn't like, he now goes through Tom and they tell me you shouldn't be doing that. It's another added layer of bureaucracy.

Let me tell you how it works in the real world. People don't like hearing this. There have been PFOs designated for the inaugurals' recalls, the two national conventions, there may have be one for the previous Super Bowl; I don't know what happened this time. But PFOs have been designated for those national special security events.

Those PFOs have gone to the FEMA person on the ground, whoever I have designated to be in charge, and they have literally said -- and these have been Secret Service guys, Coast Guard guys -- and they have said, We don't know what this is all about, but if the you-know-what hits the fan, I'm going to turn to you and just expect you to take over and get this done. They recognize that the PFO is just this informational thing.

And we've tried to teach the PFOs that have gone through the training about the NRP and the ESF structure and the command and control structures that we use, and they all know that and recognize that, so they see that PFO designation as kind of a title and we're just there to kind of loop in DHS.

Mrs. Myrick. Just one more question and then I'll wrap up.

It's been suggested several times by different people that once State and local governments are overwhelmed, for whatever reason, that the Federal Government should step in and take over. I'm curious as to your view of whether or not that's a logical thing to do.

Mr. Brown. That is the most dangerous thing that we could do in this country, because it emasculates the whole concept of federalism, and we will create a whole new dependency class called State and local government. And they will devolve to the lowest common denominator, and you will see, over time, policies that develop of what becomes a catastrophic event and they will become so dependent upon the Federal Government to respond to almost any kind of disaster that we will wake up 10 or 15 years from now and the Federal Government will be responding to every disaster in this country.

I'll give you a quick example. For 3 or 4 years I fought to eliminate within FEMA the snow policy. Why should FEMA pay for -- in my home State of Colorado, why should FEMA pay the city and county of Denver money for snow removal when it was above the record -- previous record's snowfall.

Mrs. Myrick. That's a pretty good deal. I didn't know

they did that.

Mr. Brown. Why should they do it in Colorado?

Mrs. Myrick. Why do they do that?

Chairman Tom Davis. I've got mine earmarked in right now.

Mr. Brown. That is an example. That's the proverbial foot in the door. Those kinds of things will develop over time, and suddenly the Federal Government will be paying for everything.

Mrs. Myrick. What bothers me is, in the past, FEMA, they have gone through some years of not working well and then some years of working well. I have worked with them for 20 years, off and on, privately, as a private citizen in disaster relief; and local communities know best, like Charlie in his district, you know what the needs are. You know what the needs are. Local communities know what they need.

And so my concern is, and anything that we do in this reorganization, Mr. Chairman, that we don't end up -- we've got a bad enough bureaucracy now, and all of a sudden we've got FEMA being just, in effect, decimating local and State and the people who have always done it like the National Guard units that do such a good job and all that.

I mean, the system when it is working right, works, and

has proven over and over again it works. And this was just so massive that everybody was overwhelmed. The Federal Government was overwhelmed; everybody was overwhelmed.

Yes, there's plenty of blame to go around; there were plenty of mistakes made and things need to be changed. My concern is getting it changed the way it will work so we don't go through another situation like this in the future, no matter where it will be.

Mr. Brown. But I think that is the Federal Government's role, to help in a catastrophic disaster. We often forget what is truly catastrophic.

Mrs. Myrick. Right.

Mr. Brown. I know that -- look, if my house down in Virginia gets flooded, and it's all the way up to the third floor of the townhouse, that's catastrophic to me.

Mrs. Myrick. Right.

Mr. Brown. But catastrophic is literally where you have hundreds of thousands of people displaced and not able to go back to their homes and businesses shut down for weeks or months on end and it destroys infrastructure. That's catastrophic. I believe the Federal Government does have an obligation in those kinds of incidents to respond and actually become to a certain extent first responders.

Mrs. Myrick. Thank you.

Thank you, Mr. Chairman.

Chairman Tom Davis. Thank you very much.

Mr. Jefferson.

Mr. Jefferson. It's not morning anymore, never was, I guess, since we started.

Mr. Brown. Good to see you again, sir.

Mr. Jefferson. Thank you, sir. Good to see you.

Have you ever explained publicly the circumstances under which you left the government?

Mr. Brown. That's a good question.

Mr. Jefferson. Did you just decide you had done such a bad job, you thought you should leave, or did someone ask you to leave?

Mr. Brown. I was sitting in my little PFO office in Baton Rouge and I don't know whether I had sat down with Jesse Jackson or whether that was the day before. I think the same day. I think we had been having a conversation about how we were going to do some stuff, and he left and somebody had told me Chertoff was coming by and wanted to see me. And he sat down across from the desk and said, I want you to go back to D.C. and prepare for the next hurricane.

I didn't just fall off the turnip truck yesterday. I said so, Is this the firing? He said, I just want you to go back to D.C. Take some time off, rest, get some rest, get your head back on, relax and then go back to work Tuesday,

Wednesday, whenever you feel like it. Okay?

So I go home, go into the office Monday morning because, hey --

Mr. Jefferson. What day was this he asked you this or told you this?

Mr. Brown. Friday. This was Friday.

Mr. Jefferson. So you took the weekend?

Chairman Tom Davis. This was the day after it was, "Brownie, you're doing a heck of a job"?

Mr. Brown. Oh, no. "You're doing a heck of a job" was way at the very beginning.

Chairman Tom Davis. This is the week after.

Mr. Brown. This is like almost 2 weeks into the storm. And I called a friend of mine, a very well-known lawyer in town, not this clown, and I talked to him about, you know, I had been planning to leave -- my timing sucked in terms of leaving the Federal Government -- what do you think I ought to do?

He said, Look, you ought to go ahead and stay for two or 3 more weeks, and those people that you have been talking to about going to work for, go ahead and get those things lined up and just exit gracefully.

I received a phone call from Michael Jackson on Monday morning saying, What are your plans? I said, Well, I have talked to this gentleman that we all knew; and he goes,

Well, I just don't think that's going to work. I just think that you just ought to leave now.

Why? Well, I just think you ought to.

And we had a little bit of an argument; and I got pretty fed up, and I pulled my immediate staff in and said, I have had it, I'm out of here.

Mr. Jefferson. So it's fair to say, you didn't just assess your performance and decide that this has overwhelmed me and I need to leave? You were pressed to leave?

Mr. Brown. I was pressed to leave from the Gulf. I was told to leave the Gulf.

Mr. Jefferson. You were pressed to leave from the office?

Mr. Brown. Yes.

Mr. Jefferson. Do you think you were made a scapegoat in this process?

Mr. Brown. Do you know the origin of the word scapegoat? In biblical times, the Jews, I forget whether it was King David, or I forget which one, would throw all of the sins of the town upon the goat and then they would send the goat out into wilderness and that would take away the sins of the community.

So I seem to feel that.

Mr. Jefferson. I have heard some of the things you have said, or read some of the things about Mr. Chertoff.

Do you feel that the wrong person was asked to leave?

Should it have been him?

Mr. Brown. Congressman Jefferson, really, with all due respect to the question, that's not my decision, that's not my decision, but I will say this. Despite the mistakes that I made and despite the problems, the fact there was an overwhelming and catastrophic disaster, I knew what I was doing, I knew what I was doing in Louisiana and Mississippi.

It wasn't working and it wasn't pretty, but I don't see that anything changed after I left. And the problems that I have been screaming and fighting about and pointing out privately in trying to keep this fight internal within DHS, so as not to embarrass the President about how bad DHS was working, because I was told to leave, has now become public.

Mr. Jefferson. I was in some of the meetings in Baton Rouge with you, and I said in this committee when we had the open hearing, I believe I said that I knew it wasn't -- it shouldn't all be placed on you and that you were looking over your shoulder in those meetings when Mr. Chertoff was there and you couldn't answer questions that were put to you because you were simply looking over your shoulder to see what your response should be.

I was just wondering whether somebody at the White House made the wrong head roll, if you will.

Mr. Brown. I can tell you, Congressman, that -- I

believe I testified to this yesterday, and think Congressman Miller may back me up on this. If he can or cannot, that's fine.

In Florida, I felt that my responsibility to the governor and to the people of Florida was to be on top of things and be everywhere I could, not because it was an election year. I mean, did that factor into my concern? Of course. I'm not going to sit here and lie and say it didn't. But if you looked at my performance in any disaster prior to Katrina, you would find that I was in the field, that I was out with the team trying to find out what they needed, how to make it work, trying to cut the bureaucracy, doing everything I could to make the response work.

I flew to Mississippi to see Haley Barbour, talked to Haley to find out what he needed, everything else, and on the plane, on the MilAir flight back from Biloxi or wherever we were back to Baton Rouge, I received a phone call in which I got my rear end chewed out by Michael Chertoff for having been in Mississippi.

He wanted to know what my schedule was the next couple of days, and I said, Baton Rouge the next day, then I'm going back to -- I think I was actually going back to Jackson to meet with Senator Cochran and Haley again to talk again about what plans were and what we needed to do. And he cut me off and said, No, you're not going to do that, and

I was pretty astonished because Chairman Cochran -- you don't want me to go back and meet with the Senator? No, I want you to go to Baton Rouge, and you are not to leave Baton Rouge. I was instructed I was not to leave Baton Rouge.

And I knew that this FEMA director could no longer operate under those conditions because you can't run a disaster sitting in an office.

Mr. Jefferson. So we know that while Andrew was different from Katrina by leaps and bounds, you'd assess the difference for your capability, though, to take on the challenges of Andrew versus the challenges of Katrina basically was the intervention of Chertoff?

Mr. Brown. Well, first of all --

Mr. Jefferson. And then I'll get off this.

Mr. Brown. I'm not going to sit here and say that things would have been better had I stayed. I can tell you what I would have done had I stayed. I would have been all over that place.

I hope you saw me in Baton Rouge before this occurred. I'm with the governor; I'm at her hip, trying to find out what I can do, trying to make things work. I would be with Haley.

I can't sit in a stupid office and try to run a disaster that covers 90,000 square miles and run it like a

blasted bureaucrat.

Mr. Jefferson. Let me ask you about something that Mr. Melancon asked you about and, I think, Ms. Myrick about the designation of the storm as a catastrophic event as opposed to an event of national significance.

This designation was made on August 30th. It was the day after the storm. By the time this designation was made, you had, by your testimony to the Senate, talked to the White House officials at 10:00 a.m. on August 29th about the levee breaches. Your deputy, Mr. Rhodes, had had a conference call to the Homeland Security Operations Center on the afternoon of August 29th when he talked about levee breaches and the city flooding.

If they didn't know from the prior weather reports, before the storm, by the time this designation was made of national significance on August 30th, they knew then not only how bad the storm was but that the city was flooded.

This was a decision made by Homeland Security as to this designation. How could it be that with the knowledge of the city flooding, this would not have been upgraded to that level?

Mr. Brown. I don't know.

Mr. Jefferson. What would have been different if it had been called a catastrophic event as opposed to an event of national significance? What difference would it have

been to the folks on the ground down there?

Mr. Brown. This is like therapy to me.

It wouldn't have made any difference. To me, that's a distinction without a difference. Because whether we called it an incident of national significance or not, it was. And under the Stafford Act, I have available as the Director of FEMA and the Under Secretary of Homeland Security all of the assets that I need to get things done.

Chairman Tom Davis. In theory, at least.

Mr. Brown. Right, in theory.

Mr. Jefferson. But you have to respond differently to the severity of the storm? In other words -

Mr. Brown. There's a dirty little secret here, Congressman, and that is, under the Stafford Act, the FEMA director has -- again, I think Congressman Davis is right -- in theory, has this ability under the National Response Plan, and even the old Federal Response Plan, has the ability to task any, any department or agency of the Federal Government to do anything. And the string that we hold over them is the purse string, because we have the ability to say to DOT or HHS or anybody else, Go do this and we're going to pay you for it. Under the Stafford Act, they're obligated to do that.

And I can do that in the smallest disaster, and we did it on 9/11.

Mr. Jefferson. So you would disagree when GAO makes this big distinction in its report, and it's a major criticism they make of what happened, that this designation wasn't made?

It has a footnote here which says, "As defined by the National Response Plan, an incident of national significance is an actual or high-impact event that requires a response by a combination of Federal, State and local governments and/or private sector entities in order to save lives and minimize damage and provide some basis for long-term community recovery and mitigation activities.

"A catastrophic event," on the other hand, "is one that results in extraordinary levels of mass casualties, damage or disruption severely affecting the population, infrastructure, environment, economy, national morale, or other government functions."

So they make it out to be hugely different, and the response of the government to be different. Even though you have a theoretical capacity to coordinate all these agencies, you would do it in a much more impactful way in one case as against the other. And so it would seem it should have made some difference back home with respect to how we got after this thing if we had made the designation "catastrophic" as opposed to "national."

Mr. Brown. Let me make two responses is to that, if I

may.

First and foremost, I think there was this mentality that an incident of national significance would have been a terrorist event and -- therefore, all of a sudden, we would have all jumped up.

Mr. Jefferson. That was the mentality in DHS?

Mr. Brown. So that's what they think in terms of an incident of national significance. But even then you --

Mr. Jefferson. A catastrophic event?

Mr. Brown. Right. You would still utilize the Stafford Act to do everything you needed to do in an incident of terror, what we did on 9/11.

I think the other thing the report points out that I do think is true is this whole leadership issue. And the problem I had was, I wasn't perceived as the leader down there because I was undermined. Who was the face of Katrina? I became the face because of the whole scapegoating issue. But, as you say, I'm always looking over my shoulder.

In Florida, who's in charge of Florida? By God, I'm in charge.

Now, in Louisiana and Mississippi, we've got this whole dance going around. Is Chertoff in charge? Is Brown in charge? The President? Who's in charge here?

Well, in my opinion, the President's always in charge,

and when it comes to these disasters, whatever the cause of the disasters is, the Under Secretary of Homeland Security, the Director of FEMA, he's in charge. But you can't be the leader and you can't do that when you're being undermined and micromanaged.

Mr. Melancon. Why a change from Florida and Louisiana and then telling you to stay out of Mississippi?

Mr. Brown. I think that's because they had a new Secretary of Homeland Security, they had now rolled out a National Response Plan, so let's give this new Secretary, let him run with it and implement these things and do them.

Mr. Jefferson. I wanted to -- can I have a minute or 2?

Mr. Brown. I think, in further response, Congressman, everything changed between Florida and Katrina, the whole mentality within the Department. As much as Tom Ridge and I fought over policies and procedures, Tom got it about natural disasters and how politically charged they are and how you have got to have somebody in control, somebody that's managing everything else; and so Tom stayed out of my way.

Chairman Tom Davis. It was also politically charged, Florida.

Mr. Brown. Florida was politically charged, absolutely.

Chairman Tom Davis. Was there a different level, at the White House, of concern between the two or were you just operating under different rules?

Mr. Brown. I think we were just operating under different rules. There was this desire now that we wanted to have -- another document that you will get is, this whole concept of operations they put together about the HSOC was going to become operational, which I strongly objected to. My comments are attached to that. They saw this as their chance to make themselves relevant, and it just further burdened the process.

Mr. Jefferson. The last thing I want to ask, with the chairman's leave, is this about planning? Everybody seems to feel that this was a huge failure.

Mr. Brown. I'm sorry?

Mr. Jefferson. Huge failure, the whole idea of planning for this sort of event. I got an e-mail from a Michael Louder, who says in response to, I guess, some other communication, "If this is the New Orleans scenario, we're already way behind." This is on the 27th of August.

Then Scott Wells, a FEMA coordinating officer: "This was a catastrophic disaster. We don't have the structure, the people for catastrophic disaster, it's that simple."

And Bill Lockey: "Communication and coordination were lacking. Preplanning was lacking. We were not prepared for

this."

And you at the hearing we had sometime ago, when asked the question, "Was FEMA ready for this kind of catastrophe?" You said, "I don't think so."

Finally, Secretary Chertoff came here and he said, "I think Katrina tested our planning and our planning fell short."

Mr. Brown. I would ask, What planning?

Mr. Jefferson. That's what I want to know. GAO asked the same question about the planning, the planning capacity, so you could elaborate on that lack of a plan to deal with this sort of thing and how we might get this straightened out down the road.

Mr. Brown. The one thing that I had pushed forward within FEMA for some time was to have a plan. DOD takes it seriously. With all due respect to James Lee Witt, who I greatly admire, and to Joe Wambaugh, who is my friend, those guys didn't do catastrophic disaster planning.

What I wanted one of my legacies to be was to bring catastrophic disaster planning to FEMA, and there were certain people within the career civil service that helped convince me of that. The new Madre fault, the California big one; the New Orleans, another major biological terrorist event; all of those things, we have no plans for those. So I wanted to do catastrophic disaster planning.

I got \$80 million to start the process, led to Hurricane Pam, and then my legs are cut out from under me, and I can't do the follow-along.

Hurricane Pam is a great start. If you read Pam, it shows the things we need to fix within FEMA and the State and local government, but we never did that follow-along because nobody wanted to do that because all the money is going to planning for the next 9/11.

I appreciate and respect that, but there may not be another 9/11. Hurricane season is almost here again, and there hasn't been any more planning done. There's not been any more planning done.

So what I did, Congressman, was I resigned myself to recognizing that I was never going to be able to, despite my backroom comments to people on the Hill and everybody, I wasn't going to be able to save FEMA or get it pulled out or get the money or whatever, so I figured out the next best thing that I could do was to figure out a way to make FEMA be able to operate within the Department of Homeland Security.

So I went to my chief operating officer and said -- they could have killed me. After never allowing them to go around, scrape around to find money to do stuff, saying, No, you can't do that, I went to them and I said, Scrape some money together and find me a million bucks because I now

want to do a study, a serious internal study about how can we now change the whole operational construct of FEMA so that it can survive under these new circumstances.

So we hired the Mitre Corporation to do that. And so I think what this committee should do is subpoena Mitre. The Senate Committee has parts of those documents. I happen to have copies of all of those documents, including the internal interviews, my interview. I have -- in order for me to get a copy of those documents, I was forced to sign a nondisclosure agreement.

Chairman Tom Davis. What do they say?

Mr. Brown. Basically, here are all the problems with FEMA, and here's a way forward of how to fix them. They are interviews with people about, here's what DHS has done to us.

Chairman Tom Davis. Are those documents -- FEMA has those documents?

Mr. Brown. I don't know that FEMA has everything that Mitre has because Mitre also had all the interviews and everything else.

Chairman Tom Davis. All right. Any other questions?

Mr. Jefferson. The last thing, is there anything in the GAO report that you take issue with, or do you think they've got it right?

Mr. Brown. No. In fact, I think the Washington Post

reported I said something like, Hallelujah.

Chairman Tom Davis. Mr. Miller.

Mr. Miller. Thank you, Mr. Chairman.

And, Mike, I will back up your remarks about Florida. You were everywhere, and very responsive to our calls and requests. And that's specifically why I asked to be placed on this committee, because I was one member who had had interaction with you and the Agency. And I continue to be perplexed as to the night-and-day image that was portrayed between the storms of Florida of '04 and Katrina in particular.

It's interesting to me that your early conversations and comments to this committee were related towards the local government and Mayor Nagin, Governor Blanco and the disconnect, if you will, between them. I still contend that it was there, although we tried to ask them in committee if there was any friction between the two of them when they were here; and they denied that there was, and I just can't believe that, based on what it appeared to most of us.

But now there's a swing that I hear coming from you that is focused towards DHS and the Secretary. Interestingly enough, when Secretary Ridge came to northwest Florida after Ivan, he came in, but it still was very apparent to me, while he was there, that you were the person that was in charge on the ground.

And as we watched this unfold after Katrina on television, there wasn't the same collaboration -- didn't appear that there would be.

What's changed between the last time you testified when it appeared that your focus was at the local and State government and now we're focusing more at the problems with Homeland Security?

Mr. Brown. I have tried and wanted -- and still am loyal to this President. I greatly admire him. And having served in this administration has been one of the highlights of my life. But I also -- I guess I'm just tenacious and, maybe people would say, stupid enough to believe that what is right is right and what's wrong is wrong and we need to correct these things.

And I want to make it abundantly clear that I'm not sitting here blaming Michael Chertoff or Michael Jackson or the President or anybody else, but I have, in almost a Don Quixote kind of mentality, been trying to point out what was going to happen if we didn't fix these things. And I worried about, frankly, becoming perceived as a troublemaker within the Department because I was pretty adamant, because I knew -- I'm telling you, Jeff, I knew in my heart that we were going to come to this point if we allowed things to continue to be built the way they were being built within the Department. And that's what's happened.

And then my frustration grew when Secretary Chertoff came on board and his first instructions to the under secretaries and to the component heads like Tom Collins at Coast Guard and Ralph Basham at Secret Service and others was, he wanted us to prepare for what he called a component head meeting, where he wanted to come and sit down with us and discuss what do you do, what's your budget like and what are your biggest concerns, what are you really concerned about and how can I help you fix those. He was going to get on a schedule to do those over a certain period of time.

And so I put together my component head meeting which -- I'll leave that draft for the committee too -- and he never held the meeting with me. I don't want to say he never met with me because I had a shot at trying to convince him to consolidate the things that had been pulled out of FEMA, back into FEMA. And Michael Jackson supported me in that, and was on my side, and we made the argument to him; and I left that particular meeting on Cloud 9 because he was really leaning toward -- in fact, said, Yeah, I think that makes sense, we should do that.

So I told a few people back in FEMA, This is great; we've won, so to speak, and I think we're going to be able to rebuild the organization. I even talked to somebody at the White House and -- it was Clay Johnson, and Clay's congratulating me and everything else. And Clay calls me in

48 hours and said, What happened? It's been totally reversed. He's going to go a totally different direction.

So I don't know what happened, I don't know why that decision was reversed. But it became clear to me we were going to continue down the same path of FEMA is either irrelevant or is dysfunctional. It became a self-fulfilling prophecy. The more that was taken out, the more it discouraged people, the more the mission was marginalized, the more morale sank, going to the tank. And I still believe to this day my biggest personal mistake was not quitting back after Florida. But I, stupid me, really thought that I could continue to fight that fight, and I could continue and I could somehow save this organization. Clearly, I couldn't.

Mr. Chairman, I would like to submit for the record my March --

Chairman Tom Davis. Without objection, that will be placed in the record and we will make sure that gets put in the report.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Miller. Did he meet with any of the other heads?

Mr. Brown. For a fact, I don't know. I just don't know.

Mr. Miller. Why do you think we continue even today, with all the documents that are sitting in front of us -- and it again has amazed me in this process that we only seem to be focusing, or we are primarily focusing, on New Orleans and Louisiana when, in fact, southern Mississippi was obliterated, south Alabama and Florida had hurricane force winds in the western end of my district, and we keep going back to that area that was on the extreme west end of the storm event.

Mr. Brown. Why do you think I was so mad when I was told never to leave Baton Rouge? It was everywhere; you had to be everywhere.

I think there are a couple of factors that have caused that. The media was so focused on what was happening in the Superdome and the Convention Center that that became the epicenter. And that's just the way the media operates and so they can't get off that.

And so my heart -- you're right; I mean, the people of Mississippi -- for the rest of the country, who hasn't been down there and seen how Mississippi is just obliterated all the way up, almost into Jackson, is mind boggling to me.

They don't get it.

Mr. Miller. You have mentioned the media, and it's one thing I brought up repeatedly at this committee level. And I do think that we should have taken time during our process, and if perchance -- is there any chance this committee will be extended, or are we done next week, given the fact that we may look at Mitre and some of the other information?

Chairman Tom Davis. We'll factor and may make some supplemental reports. So we go on under the resolution for another month.

Mr. Miller. I would just again say, I think the media did, in fact, play a huge role in some of the problems that occurred because there were apparently assets, yes, there were assets that were being moved, based on media reports; there were reporters, I think, fanning many of the fires.

Mr. Brown. Can I interrupt one second? There were assets also that were not being moved, based on media reports.

Mr. Miller. You mentioned assets. After the storm had hit, when it looked like New Orleans was spared, before the levees, the major flooding took place, was there any discussion of moving assets towards Mississippi? I mean, was there ever any hitch whereby assets were shifted eastward and then all of a sudden we had to reverse course

and go back?

Mr. Brown. I don't recall anything. Because we were pulling those in from Barksdale and Thomasville and other places, so there wouldn't have been a reverse direction.

I don't think anybody just drove through Mississippi and went to New Orleans either, because my guy Bill Carwile would have hijacked them if he had seen them.

Mr. Miller. Florida was sending assets from the east and Arkansas sending them from the north. I know they were coming in from everywhere. But you talked about asking for dollars and being told at the Agency level that it just wasn't going to happen.

Did you ever find a way to express that -- and you do go outside of the chain, so I don't mind asking this: Did you ever go outside the chain to Congress and say, Look, we need to do this?

Mr. Brown. I was asked that question at the hearing previously and I dodged that bullet at that time. Yes, I did, I went to some members of Congress and expressed my concern, but I didn't want to name those guys.

Mr. Miller. I'm just asking specifically, did you do it?

Mr. Brown. I did.

Chairman Tom Davis. You didn't ask Miller, did you?

Mr. Brown. We've been on a few helicopters alone

together.

Mr. Miller. The executive branch sometimes forgets that the legislative branch is the appropriations branch, and that's why I asked that question.

But let's go back. And I don't know if we're going to do another round of questions.

Chairman Tom Davis. Our goal was to try to do this, get out of here by 2:00. I have got just one other question over to our counsel, but I want to see if other members have any.

I'm looking at an e-mail that says, "Thanks for writing, Andy. This is a bad one. I'll show it to you. Transportation and environment could be long-term issues. If you want any details, I'm not too good on the BlackBerry. Feel free to call any time. Appreciate your support and notes."

The e-mail from Card says, "Joe Hagin has kept me well informed about your reports. Anything you want me to do?" Basically, you're not asking for more, you said, each time they ask, Is there more we can do and so on.

Did we not know on the ground what we needed at that point?

Mr. Brown. That's very early. That's actually Monday evening.

Chairman Tom Davis. Although Monday evening, we're

supposed to have thought the levees broke at that point.

Mr. Brown. That's right.

Chairman Tom Davis. You didn't ask for anything else?
You're in direct contact with Card?

Mr. Brown. Not in that particular e-mail.

Chairman Tom Davis. You say, "Thanks for writing,
Andy. This is a bad one."

Do you see what I'm saying. This is after you talked
to Marty Bahamonde. You talked about there could be
long-term issues. But wouldn't that have been a great time
to say levees are broken, all hell is breaking loose?

Mr. Brown. That's what I did in my conversation with
Joe Hagin. What I gathered --

Chairman Tom Davis. This is basically you're using
just e-mailing the thing?

Mr. Brown. Right.

Chairman Tom Davis. This does did not really encompass
everything said in your call to Joe Hagin?

Mr. Brown. Yes. I included that to show there's this
constant -- these constant phone calls going back and forth
about what's going on, what's happening, what do you need.

Chairman Tom Davis. I'll turn it over to counsel.
Let's see if any other members have any mop-up.

Mr. Melancon. I guess one of the things I need to get
a clarification on, what exactly is our expiration date on

the committee, as was asked earlier.

Chairman Tom Davis. We can talk about that after he's left, but I think we have got to come out with a report on Wednesday. I think we still exist for 30 days thereafter and 30 days after that we can do supplements and the like at that point. We can always go back to the House and ask for more leverage too.

Mr. Melancon. We had talked about Secretary Chertoff, and of course, the day -- weekend of the storm, prior to the storm I think he was at his home, the President was in Crawford, Cheney was fly fishing somewhere. Basically, the appearance was, nobody was engaged.

Do you think his just staying at his house, and the next day I think he went to the Centers for Disease Control to do something -- I mean, all this time we've got this imminent storm that the Hurricane Center is telling everybody to be prepared for, you have advised that maybe the President ought to call down to the Mayor and the Governor, but the disengagement seems to be there at the same time.

Were they disengaged?

Mr. Brown. Again, I don't know if they were disengaged or not because the problem is, from my vantage point, we had the regular VTCs and the processes set up where they get the situation reports where they see what I see, they see the

reports and they know. What they choose to do with them, I don't know.

Chairman Tom Davis. Can I ask a question along those lines?

Let me just ask you this: Getting 500 buses out, it's not the end-all of this, but it would have made things a lot easier for folks. I mean, if the President called up and said get 500 busses out, do you think it would have happened, or do you think nobody could have called up under these circumstances and made these things happen, given everything else that was going on?

Mr. Brown. We could have called DOD, we could have called Rumsfeld or England and said, we've got to have 500 personnel carriers of some sort.

Chairman Tom Davis. You do have military posts.

Mr. Brown. I do believe in hindsight, I'm not sure; and maybe that's the problem, we couldn't round up 500 buses because, again --

Chairman Tom Davis. No drivers if you had the buses?

Mr. Brown. They're looking at the television and going, I'm not going to drive down into that.

Mr. Jefferson. Is that a DOD or DOT issue?

Mr. Brown. DOT.

Mr. Jefferson. DOT could have -- did DOT get an order from anyone saying, Send the buses down?

Mr. Brown. That's one of the breakdowns I'm concerned about because there is a mission assignment for them to do that.

I think the question --

Mr. Jefferson. Would you have given that order to DOT or would it have been Chertoff?

Mr. Brown. Again, that's the kind of thing that FEMA does automatically. We don't need layers above us to do it. If I say, we need 500 buses, somebody back at the NRCC issues a mission assignment to DOT, we need 500 buses; and they'll actually call and say, we need the buses, and the paperwork will follow.

So I think if I ever have the time, I'm too busy trying to make a living now, but if somebody could figure it out, what happened to that. We're asking for 500 buses.

Mr. Jefferson. You requisitioned it and it didn't happen?

Mr. Brown. Didn't happen. We knew there was some contractual problems, but I think there must be something deeper there.

Mr. Jefferson. Another thing Mr. Melancon asked earlier, way, way back, this issue about the governor being asked to request things. The GAO report says -- back to this difference again between catastrophic and national event.

They say, in the one case the national event designation, the Federal Government takes a wait-and-see attitude and they require the State to say, Here's what you need to do. For the other one, the catastrophic event, that whole methodology goes out the window and the Federal Government says with a great deal of urgency, Here's what has to happen.

Mr. Brown. I think that's one of the mistakes that I made. With or without that designation, I still had the authority to go in there and say, Guys, get -- I could have picked up the phone and called Gordon England or Rumsfeld and said, I know we've missioned to assign DOT for 500 buses, but I wonder whether that's going to happen or not; I want you to send the 5th Army in to make something happen. That probably would have sent flags spiraling up somewhere, and Rummy would have called the Vice President and had a conversation about it, but I think it would have gotten done.

Mr. Jefferson. Thank you.

Mr. Melancon. In Biloxi, Long Beach -- we have the Seabees stationed there -- they physically got the equipment mobilized as soon as the conditions allowed them to start search and rescue, and then, we were told, they were shut down by FEMA and basically laid over 48 hours before they got the authority to go back out and continue search and

rescue.

I don't know where that breakdown came from. You'd have thought everything you have got at your command, go, whether it's Federal or State.

Mr. Brown. What bumfuzzles me -- that's a technical term -- what bumfuzzles me is that in every other disaster that's how we operated. For the life of me, I can't figure out whether -- I know there's a side of bureaucracy there.

Chairman Tom Davis. This was the first time the National Response Plan had really had to be adhered to, so there was some bugs in it basically, bottom line.

Mr. Brown. I think, too, the thing I have heard, that I have learned that I didn't know while I was actually in Baton Rouge, is the number of DHS people that were in the disaster zone; and I don't know what they were doing. I have found out that there were people from the Infrastructure Protection Directorate down there, that there were some people -- I have learned there were some DHS people.

Chairman Tom Davis. Who was in charge of them?

Mr. Brown. That's what I'd like to know. Who ordered them there?

Mr. Melancon. When you -- and if I remember correctly, and I don't remember which day it was that you sent the order out for the FEMA folks to get into Louisiana, someone

said they were given 2 days to travel there which -- that kind of says to me, what happened to the concern with expediting all this? So instead of getting on an airplane that afternoon, they started looking to see if they can get a plane in a day or two, or bus or whether they were going to drive.

Do you know what drove that?

Mr. Brown. What drove that was, and that's a very fine distinction; those people were being brought in not to do any response activity. They were being brought in to do something that you and I had a lot of conversations about, and that was getting FEMA people into the field to go to victims and give them the information about getting people into congressional offices and everything else. So that's what they do. So there really was nothing they could have done in the first couple of days because they couldn't have even gotten into the disaster zone.

Mr. Melancon. You had two people show up at Plaquemines Parish roadblock on Saturday morning, the day after the President had come in, and I was there and the sheriff and all his deputies basically established an outpost there. And these two guys pulled up and said, We're from FEMA; can we go in? They almost got shot. Not because they were -- they were from FEMA, and these folks had not seen a FEMA person, a military person, other than National

Guard helicopters and such.

Chairman Tom Davis. I'm from the government. I'm here to help you, basically.

Mr. Melancon. I'm standing there, and the sheriff looks at me and says, Should I let them in? I said, That's better than shooting them.

Mr. Brown. The other thing the committee should know, which I learned about just last week was while I was down there -- after my PFO designation, I was down there establishing a new staff. I was outlining not only the slots that I wanted, but the people I wanted to support an ongoing operation.

The Senate staff showed me a memo from DHS in which DHS headquarters was establishing a parallel staff at the same time. I mean, this is absurd.

Chairman Tom Davis. Ms. Myrick, then move to counsel from both sides.

Mrs. Myrick. Just real quickly, you are no longer there and you're not responsible for anything that's happening now, but I want to just say one thing, that relates back, to ask you a question.

There are 11,000 mobile homes sitting in Arkansas someplace; 25,000 a month, we're paying for them, and of course, they say sometimes they're too big and sometimes the local compliance won't allow it.

Well, these are all things they've known for years. Was there ever any discussion inside FEMA during the time you were there, prior to this disaster, about how we overcome those problems and if we should look at alternative means of housing people other than the trailers which have been around for 50 years. Because that's got to be solved for the future.

Mr. Brown. Again, reading from the e-mail, bottom line is, DHS cut our '05 request for, ready, catastrophic housing. Yes, we knew that. I was asking for that in December of '03. I think you already have it.

Chairman Tom Davis. Of course, we always play chicken with this. Many times, FEMA's budget's underfunded and we have to come back for supplemental. But in this case, it took them out of the pipeline.

Mr. Brown. I think the committee needs to really make a distinction between the disaster relief fund, which is money that goes to individuals, and the money that FEMA has to operate on. Because people look at FEMA's \$2.3 or \$3 billion budget and go, What's Brown whining about? The actual operating budget is down less than \$700 million, I think. It's a very small portion.

Chairman Tom Davis. Keith.

Mr. Ausbrook. Thank you, Mr. Chairman.

I want to start with some small things first, then work

to some bigger things. Let's go back to the buses again. It's a very important topic, and some of your requests to the White House and try to figure out a couple of things here.

Did you ever ask for the White House for buses.

Mr. Brown. I don't recall that.

Mr. Ausbrook. Who did you ask for buses? When you --

Mr. Brown. Bill Lockey.

Mr. Ausbrook. What did he say?

Mr. Brown. We're going to get them, yeah.

Mr. Ausbrook. When did you ask him for those first?

Mr. Brown. I want to say Wednesday or Thursday.

Mr. Ausbrook. Wednesday or Thursday before the storm?

Mr. Brown. No, after the storm.

Mr. Ausbrook. Wednesday. They had already been tasked Wednesday morning at 1:47. So you were asking him for the first time for buses on Wednesday after they had been tasked at DOT?

Mr. Brown. Well --

Mr. Ausbrook. So you didn't ask for them on Monday?

Mr. Brown. I was thinking Wednesday, but maybe it was Tuesday I asked him. Monday is a very hazy day for me because Monday it's making landfall and we're trying to get back and forth between the hotel room and EOC.

So it may have been Tuesday I made that request.

Mr. Ausbrook. If you asked for them on Tuesday, and as you said, you're not sure then, maybe you were aware they were in the pipeline on Wednesday, and they weren't coming, they weren't there on Wednesday; was that the big day they weren't there?

Mr. Brown. That's right.

Mr. Ausbrook. So what did you do?

Mr. Brown. I'm screaming at people.

Mr. Ausbrook. Who did you scream at?

Mr. Brown. Probably Bill Lockey. Or Scott Wells. And he's cowering because he's screaming back at somebody at headquarters, so now I'm on the phone screaming at Rhodes and Mike Louder, I'm screaming at all these guys.

Mr. Ausbrook. What did they say?

Mr. Brown. We're trying to find them.

Mr. Ausbrook. Did you know what they were doing to try to find them?

Mr. Brown. I think were talking to Mineta, probably the Deputy Secretary over there. I'm sure they were talking to the contractor at Landstar that handled the contract.

Mr. Ausbrook. Anybody tell you there was a specific problem?

Mr. Brown. No. I'm screaming at people, trying to find out, and they're like, we're trying to find out too, what's the problem? My whole mentality is, tell me what the

problem is so I can go cut that tape; or if it's they're scared about spending some money or something, tell them I made the decision to do it.

Mr. Ausbrook. Why did you ask for buses through normal channels, but other things through the White House? How would you distinguish what you would ask the White House for and normally task out?

Mr. Brown. If I felt like it was being worked, then I'd let the process work. Because every time I would go to the White House to ask them to do something for me, I then was causing the same bureaucratic problems that I don't think we should have and that is, now the White House is calling Norm Mineta, and Norm is getting screamed at by somebody in the White House while at the same time somebody is calling him from FEMA, screaming at him too.

Mr. Ausbrook. Isn't your point about going to the White House, that he wants somebody from the White House to scream at him and --

Mr. Brown. Exactly.

Mr. Ausbrook. Maybe that's not a bureaucratic problem. It makes things happen.

RPTS BINGHAM

DCMN NORMAN

Mr. Ausbrook. Now, when you were here before us the last time, you were asked did you get all the assets you requested from the Department of Homeland Security and the White House and were they timely in giving you everything you needed? You answered yes. The Chairman asked if you have everything you asked for. Yes, we are getting what we need to coordinate. I think the question, Mr. Chairman, is do we have enough. It goes back to communications.

Then when you testified before the Senate, Senator Lieberman asked you, so you don't have any recollection of specifically asking Mr. Hagin for the White House to take any action, nothing specific. I just thought they needed to be aware of the situation.

So what is it you did ask the White House for and that you didn't get?

Mr. Brown. Well, let me answer it this way. Probably the primary discussion with the White House was regarding DOD, was getting military assets in, because there was a point where it was abundantly clear to me that FEMA logistics system had completely broken down, we couldn't --

Mr. Ausbrook. Excuse me. What was that point? When was that point?

Mr. Brown. Oh, that was Tuesday and Wednesday. Tuesday and Wednesday. Because it was Tuesday we made the first formal request to DOD in that August 30 mission assignment. And then we are having conversations about let's expand that even further, let's just have them take over everything. And that was on September 1st, I think. And by the 2nd, I am screaming, why aren't they here yet? What I thought was --

Mr. Ausbrook. You think it is reasonable -- and it is a billion dollar mission assignment. Do you think it is reasonable to ask them Thursday and have everybody showing up on Friday?

Mr. Brown. Yes. They can do it. They may not move it all, but they can start moving it. Yes.

Mr. Ausbrook. By that time, General Honore was in Louisiana. What was he saying about that particular aspect of it? Was he involved in that discussion at all?

Mr. Brown. Yes. He and I had several discussions about outlining specific needs. And most of those, you should have those e-mails, the e-mails between the two mil aids that he sent in to work with me, and so all the of planning and all of the requests are reflected in those e-mails.

But our conversations were on a little higher level regarding, okay, if we get Active forces, how are we going

to integrate them in, say, the National Guard and how do we distinguish between National Guard doing law enforcement versus Active-Duty military doing law enforcement, because they are wearing the same uniform, and they are on the same -- you know, this goes one truck in the front, it is supposed to be law enforcement, and they are National Guard; and the guys in the truck behind are the ones Active-Duty carrying the MREs in. Somebody shoots, they all shoot back. We were having those kinds of discussions.

We are also having discussions about strategies of how do we get infiltration into the Convention Center so we can do it as peacefully as possible, not knowing what the real situation is, and then how do we time that and get it out.

How do we deal with -- I will never forget the most bizarre thing was there was a security issue about evacuees; that once we start taking people out of the Superdome and the Convention Center, TSA wanted to screen them. And I am like well, okay, but -- and I understand there can be an ugly situation; you get some young gang-banger on a truck and you're hauling him to Houston and he pulls out a 38 and shoots. Well, somebody is going to kill him probably. But I would rather have taken that chance and put all those people and gotten them out. But we had to have a long discussion about how do we do that evacuation and, of course, TSA wanted to screen everybody.

Mr. Ausbrook. Let's go back to the White House. You told the White House about the logistics mission assignment?

Mr. Brown. Yes.

Mr. Ausbrook. When did you start talking to them about that?

Mr. Brown. That was either Tuesday or Wednesday. When I say that, it is because that is kind of the first day that the fog is lifted and we know we have had a --

Mr. Ausbrook. Did you have any reason to think that you couldn't get that mission assignment accomplished through regular channels?

Mr. Brown. No. I really didn't.

Mr. Ausbrook. Why did you go to the White House for that?

Mr. Brown. Because I thought if I needed any additional push for it, they could do it. Let me answer it this way. I think there is also sometimes an institutional reluctance on the part of DOD to respond to some of this stuff. They want to be very careful about mission creep. And I understand that. But sometimes I just don't care about mission creep and I want them to go do it.

Mr. Ausbrook. We have an e-mail actually that says that mission assignment actually is requested Secretary to Secretary and it had been made that way, and that may have resulted in some of the delay. Isn't part of that delay

attributable to the fact that it was working its way up through the mission assignment; also that you had gone around FEMA, around that particular structure, to the White House to try to get it?

Mr. Brown. I could have, but I don't see -- because we had been working from both directions at that point. It had been working its way up through the MRCC to get to Chertoff at the same time that the White House would be pushing it down, from Rumsfeld down. So I think it would have actually sped things up.

Chairman Tom Davis. But if you had got hung up on the process, it takes forever.

Mr. Brown. Yeah, Right. But the answer to the question is it -- the advantage is it is being worked in both directions.

Mr. Ausbrook. The question then that leads to sort of the bigger question is that it appears that you spent a couple of years sort of fighting a lot of changes in DHS that were happening to FEMA; that you told us today that in fact you didn't ask, you did advise the Secretary to declare the national significance, and the reason was you didn't want anybody appointed to be a PFO. Did you ever advise the Secretary to activate the catastrophic incident annex.

Mr. Brown. No.

Mr. Ausbrook. Did you advise him not to?

Mr. Brown. No.

Mr. Ausbrook. Did you ever have a discussion with him about it?

Mr. Brown. No.

Mr. Ausbrook. Aren't these the tools of the NRP to deal with catastrophic incidents?

Mr. Brown. They are.

Mr. Ausbrook. And so my question is, what it looks like is you may have spent a couple of years fighting a system that you didn't like, and then when the disaster came, it came to use that system, you chose not to use it.

How would you address that?

Mr. Brown. I would say that is generally true because the system that is in place works, whether it is catastrophic or not. The system that is in place worked. It succeeded in 9/11 at both the Pentagon and in Lower Manhattan, it succeeded when the California wildfires took over San Diego. It succeeded in the Columbia Space Shuttle disaster. It succeeded in Florida, in every single one of those. And even though it was catastrophic, that system works.

Mr. Ausbrook. Let me ask you sort of the distinction between the sort of the catastrophic planning and reaction and that it has been described as a difference between a push system and a pull system, and that as you operated

under the FEMA system, you are operating under a pull system.

Wouldn't it have been better to have operated under a push system earlier? I think you're saying you recall the military doing those things.

Mr. Brown. Yes.

Mr. Ausbrook. Would have been, and those are precisely the mechanisms by which that push system is activated.

Mr. Brown. Right.

Mr. Ausbrook. But you choose not to use them.

Mr. Brown. Right. Because, again, we can push and pull regardless of what that annex says.

Mr. Ausbrook. What about --

Mr. Brown. That is the real world.

Mr. Ausbrook. What about the IIMG? We have detected some resistance to the IIMG in a number of locations within FEMA. Did you ever talk to the Secretary about activating the IIMG?

Mr. Brown. I would have fought the activation of the IIMG as hard as I could.

Mr. Ausbrook. But it is also supposed to be convened in order to conduct sort of more strategic planning.

Mr. Brown. But do you know what it does? It adds this bureaucracy. I mean, suddenly put yourself in the position of -- pick any Secretary -- so now they have got people

assigned over to the ESF function at the NRCC. They are supposed to be doing stuff. And now you have this thing over at the DHS called the IIMG which doesn't exercise any command and control. All command and control is going on over here. So now this request comes in through the IIMG back to a Secretary that says we want such and such. That Secretary is going to say, I haven't heard from the people actually on the ground whether they need that or not. So now they are going to feed it into them to find out. So now we have these TWO things going on. The IIMG is this -- I haven't figured out the IIMG yet.

Mr. Ausbrook. But it is part of the plan.

Mr. Brown. It is part of the plan. And plans always go out the window.

Mr. Rapallo. Just to follow up on a couple of those, you don't have authority under the National Response Plan to designate an incident of national --

Mr. Brown. Correct.

Mr. Rapallo. And you don't have authority to do the IIMG?

Mr. Brown. That's right.

Mr. Rapallo. Or the PFO?

Mr. Brown. That's right.

Mr. Rapallo. It would be all Secretary Chertoff's?

Mr. Brown. It is all his decision.

Mr. Rapallo. You mentioned earlier that under the Stafford Act you had all the authority you needed to direct other agencies, to mission assign them, and in particular the military. What did you not have authority to do at the military?

In other words, you had the Stafford Act authority. Why weren't these mission assignments directed to the DOD?

Mr. Brown. Well, they were directed to DOD. And I think one of the questions that we need to ask is, what was causing some of the delay in them responding to some of those mission assignments? I don't know.

Mr. Rapallo. You testified that you were very frustrated. By Friday there was that e-mail that you were screaming, Where is the Army, where is the Army? You also mentioned that you were going at it both ways, through internal FEMA and also from the White House.

In terms of the White House requests, what actually did you convey to the White House that you needed them to do with respect to DOD?

Mr. Brown. To take over. I mean I was actually, I was asking for a hostile takeover. I wanted them to come in and run logistics, to run distribution. I literally wanted them to set up distribution channels for all of the MREs. I wanted them to take over security of the Superdome and the evacuation of the Superdome, because at this point we know

that the National Guard and the city of Louisiana is not -- can't do it, and State is not going to do it. So I really wanted them to take over everything.

Mr. Rapallo. So that included food and water, you mentioned, potentially transportation, medical.

Mr. Brown. Transportation, logistics.

Mr. Rapallo. Search and rescue. Just when did this request go to the White House? That seems like a huge, huge request.

Mr. Brown. Right.

Mr. Rapallo. When did you make that request?

Mr. Brown. I started talking to them about that on, again on Tuesday, Wednesday. I can't distinguish between the two days. I don't have any --

Mr. Melancon. Was that the first week or second week?

Mr. Brown. First week. I can't find any markers in my head to distinguish between Tuesday, Wednesday and Thursday.

Mr. Rapallo. And you made those communications to whom?

Mr. Brown. You know, primarily to Joe Hagin. That is my primary contact.

Mr. Rapallo. So you mentioned to Joe Hagin all of these different elements, these higher packets?

Mr. Brown. Right.

Mr. Rapallo. Your testimony, though, is that you were

extremely frustrated. You mentioned this to your staff, to Secretary Chertoff, to Mr. Hagin and to Mr. Card. And your testimony is you expressed that frustration, things weren't moving fast enough. Is that right?

Mr. Brown. Right.

Mr. Rapallo. So what is your take on why the White House involvement didn't speed things along then, if that was your goal in getting the White House involved?

Mr. Brown. I don't know.

Mr. Rapallo. They knew there was a red tape problem; you're saying everyone knew?

Mr. Brown. I think anyone -- anyone involved in this disaster, whether you are sitting in D.C. or you're down there in Baton Rouge or wherever, had to see we had this red tape problem. And I just for the life of me don't know why we had to have that red tape problem this time.

Mr. Rapallo. Did you have any discussions with Mr. Hagin and Mr. Card after the fact about what was going on at the White House in terms of their pushing the process along?

Mr. Brown. Let me get this straight. You're asking me if Joe Hagin or Andy Card or anybody has called me since I left?

Mr. Rapallo. Not since you left, no. Since the incident happened that first week.

Mr. Brown. No.

Chairman Tom Davis. How about since you left?

Mr. Brown. No.

Mr. Rapallo. Mission assignment on August 30. Can you describe -- I think you mentioned air dropping, or getting people in there; is that all that that included?

Mr. Brown. That particular one, yes. The August 30 mission assignment was basically to start airlift.

Mr. Rapallo. There is a document we have that was a draft mission assignment to Secretary Rumsfeld, written by his staff from the Sunday following, that listed -- I have it here I can show you.

Mr. Brown. From the Sunday afterwards?

Mr. Rapallo. Sunday after the storm, yeah. And it goes through -- it says: The attached document reflects the proposed request for assistance developed by DHS and DOD in the last 24 hours to meet urgent DHS priorities. There is a high sense of urgency to get going on this, particularly on the missions in the first paragraph.

And when you look at that first paragraph, it talks about search and rescue operations, evacuating live persons, collecting and removing bodies of deceased persons, distribution of ice, water, food, medical supplies, establishing command and control within all three State.

So this was the Sunday after the storm. I don't know

if you have seen this document.

Mr. Brown. I have not seen that, and that is astounding to me because there is also an e-mail from one of my staff persons -- I forget who it is. Can we get a copy of that, too?

Mr. Rapallo. Sure.

Mr. Brown. Of either on September 1st or 2nd, where they are telling me, yes, we are getting that mission assignment through to DOD to do all the logistics.

Mr. Rapallo. In fact, this is only a proposal. I don't think it's been copied.

Mr. Brown. This is not even a mission assignment. This is more like a memo.

Mr. Rapallo. Are you surprised that 6 days later --

Mr. Brown. I am shocked at that. I just want to copy this. I want to go over and put this in my archives.

Mr. Rapallo. What is your observation, then, about what was going on at the White House?

Mr. Brown. I don't know.

Mr. Rapallo. You were yesterday testifying -- I think it was Senator Dayton mentioned that, or I think you testified that on one occasion you were going to Mr. Card and he said we have to send you back through the chain of command.

Do you know what that request was for?

Mr. Brown. I don't.

Mr. Rapallo. Was it related to DOD assets?

Mr. Brown. I don't know what it was and I have wracked my brain trying to remember. All I remember is -- all I remember is it was a conversation -- I can tell you where I had it. I was in my command center. And we had a STU, you know, the secure phones, set up over in a little mini SCIF. And I was talking to Andy. And for the life of me, the reason I don't remember is because his next words to me were, Mike, we've got to start working through the chain of command. And I -- to me, that is what is seared in my mind because I was like, well, okay, here we go.

Mr. Rapallo. Did he make that comment at other times in response to other requests you made?

Mr. Brown. No. That was it.

Mr. Rapallo. And in that case, you think you went back. What was the follow-up on that particular --

Mr. Brown. I think I walked back into the room and said, okay, guys, we are going through the -- we are going to follow all the protocols.

Mr. Rapallo. In your opinion, did that characterize how the White House was dealing with the situation, sending the request back to DHS?

Mr. Brown. Great question. And the answer is I don't know. But in hindsight, maybe it was. You know that is

pure speculation on my part. But when I think about it now, because I was so taken aback by the comment, because that wasn't like Andy, that was like a total reversible of how we had done business. But it certainly plays into the way we then continued to operate from then on, you know, with Chertoff down there and -- you know, Chertoff down there now with an entire team. Chertoff is now down there tasking me with certain things and saying we want briefings on this and doing this. And there is also an e-mail in here where he is actually reaching out to some of the parish residents and promising them things, that I had said that is not how we do business and we are going to do it this way. And there was lots of conflict beginning to occur at that point.

Mr. Rapallo. Do you think that could have contributed to the delay in THE DOD piece going to the following 6 days?

Mr. Brown. Yes. That is speculation on my part, but yes it certainly could have.

Mr. Rapallo. Back quickly to the buses. You had the original conversation with General Landreneau on Monday about the buses. I think that was your testimony.

Mr. Brown. Right.

Mr. Rapallo. The mission assignment we have is for the Wednesday. There were reports at the time, you know, media reports. In your discussion with the White House, did White House officials ask you what was going on with the buses? I

think you mentioned you talked to them about it but --

Mr. Brown. Right. But I don't recall -- I don't recall any specific questions about it. I just remember that the -- I mean, just buses are seared in my mind. I wanted buses and I couldn't get buses.

Mr. Rapallo. These were buses that the Department of Transportation -- they had later said were available and ready to do it.

Mr. Brown. Right.

Mr. Rapallo. They just didn't get the mission assignment. In that case, would a White House call to DOT have spurred that along do you think?

Mr. Brown. From my prior experience, yes, I think it would have.

Mr. Rapallo. Next issue is on search and rescue. There was a report that the Interior Department had resources available in terms of boats, law enforcement personnel. I think their response to the Senate committee was that they didn't have -- they just didn't get a response.

What can you tell us about what you know about the Interior offer of assistance?

Mr. Brown. I knew nothing of the Interior offer, and the first I heard about it was reported in the media.

Mr. Rapallo. Do you know who at FEMA they may have

communicated it to?

Mr. Brown. Who they may have communicated it to?

Mr. Rapallo. The Interior Department, yes.

Mr. Brown. I think the way to build the paper trail on that is again go back through either the mission assignments or the records, particularly the transcripts of the VTCs, because if there was a transportation or search and rescue issue, the protocol of those agendas are that you identify needs that aren't being filled or problems that you are having, and then all the interagency says, we will do this or we will do that or we can offer this.

So if that really is true, and Interior is not just trying to cover their rear ends, I would go back and either look through the mission assignments, or I would go through the transcripts of the VTCs. You might find it there.

Mr. Rapallo. Is that something that the HSOC or maybe somebody at the White House would have or should have picked up on, an interagency offer of assistance that maybe FEMA didn't?

Mr. Brown. They could have, because I don't think there was ever a time that either the White House sit room with somebody from the Homeland Security Council or DHS, HSOC, they should have been on all of those VTCs.

Mr. Rapallo. And I wanted to ask you about that in particular. You mentioned about the VTCs, all the

information is being downloaded during this, and you testified yesterday it was HSOC staff, it was Secretary Chertoff's staff and also White House personnel. You said the President was occasionally on.

But were there any Homeland Security Council staff on any of the VTCs that you know?

Mr. Brown. Yes, occasionally I would see some of them on their VTCs, and I would remember them because I just know who they are. Bethany Nichols used to work for me in my front office, and she works over there now. And Kim Rapopano I saw on there a couple of times. And what is his last name -- Gang, does that ring a bell? Come on, staffers, Joe Gangill, something, who works for Fran Townsend.

Bagnell. Yes. Joe Bagnell.

Mr. Rapallo. So the White House staff was on these calls, then, to your knowledge?

Mr. Brown. Yes. Now, remember, sometimes I am sitting -- well, all the time now -- at this point I am sitting in Baton Rouge. So I am just listening. I don't actually see who is on the screen.

Mr. Rapallo. Was there a VTC on Monday, the day of the storm?

Mr. Brown. I think we tried to have a VTC Monday. I don't think we had one until later that evening.

Mr. Rapallo. Later that evening, do you remember what time?

Mr. Brown. I think we did. If we did, it would have been around 6, some time around 6. There will be a transcript of it.

Mr. Rapallo. We tried to get a transcript and I think there isn't one. Somebody forgot to push the button.

Mr. Brown. Have you gotten a summary?

Mr. Rapallo. I think we do have the summary. But just in terms of your recollection of what happened on that VTC, if it was later in the day, if it included Mr. Bahamonde's report or discussion.

Mr. Brown. You guys are working from the advantage, because I have asked for transcripts and summaries. I haven't gotten those. That would have helped refresh my memory. But I think some people don't want my memory refreshed.

Mr. Melancon. Do you think you could ask call the White House and ask them to send some of this stuff?

Mr. Brown. Objection. Sustained.

Mr. Rapallo. You refer to, or you answered some questions about the GAO report. Their main recommendation was that the President needs to designate a senior official in the White House to oversee the response. GAO found that this didn't happen. Do you agree with that?

Mr. Brown. I do. I mean there has to be -- the public, the bureaucracy, the career folks that are working these issues, everybody needs to know who is in charge.

Mr. Rapallo. The person that we have talked to, the one person from the White House we have talked to is Ken Rapuano who I think was de facto in charge. He was the highest ranking Homeland Security official there on a Monday.

Did you have any conversations with him on the day of the storm on the Monday?

Mr. Brown. No. I have not had any conversations with him.

Mr. Rapallo. Anyone in the Homeland Security Council office, any staffers there on a Monday? You mentioned the other White House staff, I know, but just within the --

Mr. Brown. No. I don't think so.

Mr. Rapallo. He briefed our committee and was missing certain pieces of information. He testified that he -- or he briefed us, rather, that he left at about 10:00 p.m., amidst all these conflicting reports, sort of similar to the argument that DHS now makes, that they didn't have the situational awareness that you had described to various people that day. How do you react to that assertion?

Mr. Brown. The same as I did yesterday. I think that is disingenuous. Those sit reports are going out, and in

fact, there is an e-mail; again, I think it is a Mike Lowder e-mail where he says, we are having a -- and I think it is that Monday evening -- where he says we are going to have a SVTS to discuss Marty's report.

So either they all went home or they were all asleep during the SVTS, but there was a conference call that evening to discuss exactly what Marty had reported.

Mr. Rapallo. He left that night at 10:00. We asked him, Who did you leave in charge if the situation was so confused? And he had -- he didn't know. He said it should have been a watch officer or something. Are you surprised by that, or how do you gauge that level of involvement? What is your take on that?

Mr. Brown. Well, if that is true, and I don't know whether it is or not, but if that is true, I think it again shows this mentality that, well, okay, we got a hurricane, you know, it's hit New Orleans, and New Orleans is flooding. It is this lack of appreciation for natural disasters and the effect that they can have.

I said it yesterday, and I still believe it, if somebody had said that a terrorist had blown up the 17th Street Canal, you know, we would all have been spun up and there would have been somebody, 24/7, breathing down everybody's neck. But, hey, this is a hurricane. So we will let Brown and that group go deal with it.

Mr. Rapallo. Do you think that was irresponsible of him?

Mr. Brown. Well, all I can say is, you know, if I were the senior person in charge it is, but I come from a different perspective and somebody had told me -- and with my knowledge of what the potential was in New Orleans, he would probably have been up all night, just like I was up all night.

Mr. Rapallo. He told us that you were satisfied with how things were going on Monday. You asked him how he knew, did he have conversations with you? He said, no. It was his impression.

Do you have any reason or any way of knowing how he could have gotten that impression? Did you convey that impression to anyone?

Mr. Brown. Well, if when I tell the staff on the SVTS that I expect everybody to be balls to the wall -- the phrase I did use, which doesn't have any sexual connotation by the way, and -- go look it up -- and is to push the envelope as hard as possible if that is their impression, then, so be it. But I think -- I know -- I can tell you this, Counsel. My staff and the people at FEMA knew that I was in. This is full, full -- everything it takes to do stuff.

Mr. Rapallo. I just want to turn briefly to what you

actually communicated that day. You testified yesterday, My obligation was to the White House to make certain the President understood what was going on and what the situation was. And I did that. This was your number one job in your opinion. Is that correct?

Mr. Brown. Well, in terms of responsibilities to the White House, yes.

Mr. Rapallo. And then your other testimony was that on that day, the day Katrina struck, you had two calls with Joe Hagin, who is physically at Crawford?

Mr. Brown. Yes. He was.

Mr. Rapallo. And exchanged e-mails with the White House Chief of Staff. Your testimony was that by speaking with them, you were speaking directly to the President. Is that correct.

Mr. Brown. Unquestionably.

Mr. Rapallo. Is there any doubt in your mind that they would have conveyed the information you were transmitting to them to the President?

Mr. Brown. There is no question. And in fact, I think, the proof of that is that the very next day, on August 30, I had a video conference call, a secure video conference call on which the President, the Vice President, Fran Townsend, myself, Chertoff, were all on that conference call, that video call.

Mr. Rapallo. Okay. The e-mail says, to Mr. Card --

Mr. Brown. Let's go through this one more time. On August 30th, that morning, I had a secure conference call with the President, and the Vice President, and everybody -- I mean, Fran Townsend, all of them -- to go over full situation -- Chertoff -- to go over full situation awareness of what was going on.

Mr. Rapallo. What did you tell them in that -- in that point in that conference call?

Mr. Brown. That probably 90 percent of the population of New Orleans had been displaced, that we had a true catastrophic disaster on our hands, that this was probably one of the most serious things that the country had faced; that it was. We needed to be doing everything possible.

Chairman Tom Davis. Did you ask them for anything specifically at that point that you knew you didn't have; do you remember?

Mr. Brown. I will have to think back and refresh my memory and see.

Mr. Rapallo. I will just ask one more. So your testimony is that you talked not just to Mr. Card and Mr. Hagin, the President and Vice President, and others on Tuesday morning --

Mr. Brown. That is correct.

Mr. Rapallo. Conveyed this -- what had happened the

day before?

Mr. Brown. That's right.

Mr. Rapallo. I just want to get your impression, then; because on September 12, 2 weeks later, said, When that storm came by, a lot of people said we dodged a bullet. When the storm came through, at first people said whoo. It was a sense of relaxation, and I myself thought we had dodged a bullet. Do you know why? Because I was listening to my people, probably over the airways, saying the bullet has been dodged. There was a sense of relaxation in the moment, a critical moment.

So it seems like either -- there is a limited number of possibilities. Your statement is inaccurate, that you conveyed the information; Mr. Card, Mr. Hagin did not convey the information; or this statement is inaccurate?

How do you respond?

Mr. Brown. There was a --

Chairman Tom Davis. There might have been a period of time in between where they thought -- before you conveyed it to them.

Mr. Brown. There were a couple of hours --

Mr. Rapallo. He is saying he conveyed it on Monday to Mr. Card and Mr. Hagin --

Mr. Brown. No. Tuesday, August --

Mr. Rapallo. Let me back up then. On Monday you send

an e-mail to Mr. Card. You said, This is a bad one. You conveyed that to him. You also had two conversations with Mr. Hagin, Monday.

Mr. Brown. Correct.

Mr. Rapallo. And in those conversations, you conveyed what you said was the worst case scenario.

Mr. Brown. Right. And actually in those conversations, the first conversation with Mr. Hagin may have been early enough in the day, because there was a point where I felt we had dodged a bullet, too, because we had conflicting information within the EOC about whether there been a breach of the levees or the levees had been topped. That did go on for a couple of hours. But then later in the day, it became abundantly clear, as Marty got his photographs to us and the phone calls, that indeed the levees had been breached and we know that, and that was conveyed to him later on in the day.

Mr. Rapallo. On Monday.

Mr. Brown. On Monday. That is correct. And on Tuesday -- on Tuesday, then, we had the secure conference call, video conference call.

Mr. Rapallo. So basically you are saying the messages you gave on Monday didn't get to the President until Tuesday; is that your --

Mr. Brown. No.

Mr. Rapallo. -- belief?

Mr. Brown. No. I am just telling that you on Monday, there was a short period of time that we believed that we had dodged a bullet, a couple of hours. And then on Monday evening we knew it, and that is reflected in my e-mail to Andy Card. And on Tuesday morning we had a secure conference call.

Chairman Tom Davis. We do know that Mr. Rapuano, that the e-mail or whatever came in Monday night to the situation room and he had gone for the evening and didn't know it until the next day. But the White House, there is no reason to think that the White House wouldn't have gotten it that night.

Did anybody ever tell you that -- when you talked to Mr. Hagin, did he tell you he was going to talk to the President; or you just assume that is what happened?

Mr. Brown. I have been there. That is what they do. That is what they do.

Chairman Tom Davis. Can I just ask one other question? The first thing you try to do is establish a unified command when you come in.

Mr. Brown. Correct.

Chairman Tom Davis. But you weren't able to do that in this case?

Mr. Brown. I wasn't. And whether people believe me, I

think that is a red herring. The proof of that is that when James Lee Witt was finally hired by Governor Blanco. We had a meeting in which the President was present and James Lee literally walked around the other side of the table and put his arms on my shoulder, looked at the President and said, Mr. President, you know, Mr. Brown has -- we have been having trouble down here establishing unified command. And he and I are now going together to establish a unified command and get this running.

Chairman Tom Davis. You were even having trouble establishing unified command between the Federal side, it sounds like.

Mr. Brown. That is correct.

Mr. Rapallo. Procedural question. This is a process question. Is this all of the e-mails from that time period? How did you get these? Just give us the background.

Mr. Brown. I have been scraping and scrounging and digging. And occasionally people will find stuff and fax it to me or e-mail it to me.

Mr. Rapallo. Is it complete or not complete from the time period from where it starts?

Mr. Brown. My guess is it is incomplete because, again, being a private citizen, you know, I am out there digging around for everything I can find, too.

Mr. Rapallo. One more quick line. You mentioned that

Karl Rove was involved on Friday, although you also mentioned his operation and that sort of thing. But there was the New York Times article on September 5th that described what they -- they described the White House rolling out a plan this weekend to contain the political damage, that the plan was being run by Mr. Rove and Dan Bartlett. The article says that they were, quote, working to shift the blame away from the White House and toward the officials of New Orleans and Louisiana. And I just want to ask if that is accurate.

Mr. Brown. I have no knowledge of that.

Mr. Rapallo. You didn't have discussions with Mr. Rove?

Mr. Brown. No, no, no.

Mr. Rapallo. During that first week.

Mr. Brown. No. I want the record to be very clear. The only conversations that I had with Karl was very early on he asked me if I could help somehow establish a forward command post in downtown New Orleans. That was very early in that week. And then -- on Air Force One. I don't recall any other conversations with Karl.

Mr. Rapallo. Okay, thank you.

Chairman Tom Davis. Any other questions? Mr. Melancon.

Mr. Melancon. This is not a question but, I have got a

copy of one of Mr. Brown's e-mails to Gail Cush over at DHS which kind of, I think, illustrates you had dual commands going; said, Gail, Mr. Brown said please pass this on to the Secretary. I just received a call from Josh saying the Secretary committed 6,000 trailers in Saint Bernard Parish. That commitment cannot be fulfilled at this time.

Well, just so you all know, that parish ordered those 6,000 trailers. They are still sitting, waiting to be resolved between FEMA paying, reimbursing the parish or not. It is a \$90 million deal. They bought the trailers at \$5,000 cheaper than FEMA was buying the trailers. And so that was a \$30 million savings, and they are all sitting parked, waiting for resolution between whether FEMA will reimburse or not.

Chairman Tom Davis. I think when we do this addendum, that is something we ought to talk about together. But this is still not the unified command. And I know it is important to you. It is indicative of what has happened here.

Mr. Rapallo. Can I clarify one thing for the record? The e-mail you just provided us today, where you mentioned that you communicated with Secretary Chertoff on Tuesday morning, you talked with Secretary Chertoff and he mentioned casually that he will be going to CDC. Did you talk to him on Tuesday morning is the question.

Mr. Brown. Yes.

Chairman Tom Davis. Thank you very much.

The gavel is slammed. Thank you.

[Whereupon, at 2:42 p.m., the deposition was
concluded.]